



Scott Livingston

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Rules of Governmental Agencies

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	18, 1997 - Issue 16: Through	March	31, 1997
July	18, 1997 - Issue 29: Through	June	30, 1997
October	17, 1997 - Issue 42: Through	September	30, 1997
January	16, 1998 - Issue 3: Through	December	31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section numbers: Proposed Action:
 303.90 Amend
 303.102 Amend
 303.125 Amend
 303.130 Amend
 303.250 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].
- 5) A Complete Description of the Subjects and Issues Involved: These Sections are being amended to parallel the most recent changes negotiated in the AFSCME master contract.
- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Stephen W. Seiple
 720 Stratton Office Building
 Springfield, IL 62706
 (217)782-9669

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the Register on page

11291

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.610
Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/8b.7]

5) A Complete Description of the Subjects and Issues Involved: This Section is being amended to eliminate confusion that has arisen over the interpretation of the phrase "equivalent or lower position in a related series". The determination of what constitutes a related class series is often difficult to make. This proposed amendment will remove the need for such a determination by providing that certified employees may be reinstated to any equal or lower level position based on their qualifications.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking have an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section 302.610 Reinstatement

- a) On request of an operating agency, the Director may reinstate a former certified employee who resigned or terminated in good standing or whose position was reallocated downward or who was laterally transferred or whose name was placed on a reemployment list. Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to a position in any other position class for which the employee is qualified. ~~Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to a position in any other position class for which the employee is qualified.~~ The Director may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code, the University Civil Service System of Illinois, Comptroller Merit Employment Code or the State Treasurer Employment Code. A reinstated employee shall serve an additional six month probationary period in the position. Request for reinstatement shall be accompanied by the employee's performance records when available.
- b) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. If reinstated to a position in a lower pay grade than that for which the employee is eligible for reemployment, it

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

shall have no effect on the employee's reemployment rights.
(Source: Amended at 21 Ill. Reg. _____, effective _____.)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedures for Determining Priorities for Assistance Awards Under the Illinois Clean Lakes Program

2) Code Citation: 35 Ill. Adm. Code 368

Section Numbers:	Proposed Action:
368.110	New Section
368.120	New Section
368.130	New Section
368.140	New Section
368.150	New Section
368.160	New Section
368.210	New Section
368.220	New Section
368.230	New Section
368.240	New Section
368.250	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Projects Fund [30 ILCS 105/62-32].

- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Project Fund [30 ILCS 105/62-32] authorize the Illinois Environmental Protection Agency to establish a program for the management and improvement of the water quality and uses of Illinois inland lakes and, to that end, to make financial assistance awards to lake owners to implement comprehensive lake water quality and use improvement strategies. This Part 368 sets out the methodology the Agency will follow in prioritizing financial assistance applications. A companion rulemaking, "Procedures for Issuing Financial Assistance Awards Under the Illinois Clean Lakes Program," 35 Ill. Adm. Code 367, establishes eligibility criteria for financial assistance awards and procedures for the submittal of financial assistance applications, and sets out the criteria the Agency will use in reviewing financial assistance applications and making awards.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? Yes

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the States Mandate Act [30 ILCS

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- 805/3]. These proposed rules are consistent with the policy objectives set out in Section 2 of the Illinois Lake Management Program Act [525 ILCS 25/2].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this rulemaking may be submitted in writing for a period of forth-five (45) days following publication of this notice to:

Gregg Good, Manager
Lake & Watershed Unit
Planning Section
Division of Water Pollution Control
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217)782-3362

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Illinois Clean Lakes Program will affect small businesses, small municipalities and not-for-profit corporations that qualify as "lake owners" as defined in proposed Section 367.120 who need financial assistance to undertake comprehensive water quality and use improvements in their lakes.

B) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping or other procedures are required for compliance with this proposed rule.

C) Types of professional skills necessary for compliance: No additional professional skills are required by this rulemaking.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not summarized in its present form on a Regulatory Agenda.

The full text of the Proposed Rule begins on the next page:

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- b) Environmental Protection Act [415 ILCS 5].
For the purposes of this Part, the following definitions apply:

Agency: the Illinois Environmental Protection Agency.

Diagnostic and Feasibility (Phase I) Study: the gathering of data to document the existing and potential sources of pollution and to determine the limnological, morphological, demographic, and other pertinent characteristics of an inland lake and its associated watershed and the analysis of this information to determine the most appropriate method for improving or preserving the quality of the lake for intended uses and to determine the need for a Long-Term Restoration and Preservation (Phase II) Project or a Lake Water Quality Maintenance Program (LQMP). [525 ILCS 25/3(d)]

Illinois Clean Lakes Program (ICLP): the inland lake study or implementation financial assistance award program administered by the Agency pursuant to the Illinois Lake Management Act [525 ILCS 25] and the Conservation 2000 program [30 ILCS 105/6z-31].

Lake Owner: the owner, owners, or designated management authority of any inland lake who possesses the legal authority over a given lake and the ability to generate revenue and in-kind contributions to perform Diagnostic and Feasibility Studies and to enact comprehensive lake management through the implementation of Long-Term Restoration and Preservation Projects (Phase II) and Lake Water Quality Maintenance Programs. [525 ILCS 25/3(f)]

Lake Quality Maintenance Program (LQMP): the water quality maintenance program described in Section 25/3 of the Illinois Lake Management Program Act [525 ILCS 25] for implementation of a lake and watershed management plan recommended by the Diagnostic and Feasibility Phase I Study which provides short-term relief from nuisance aquatic vegetation and algae growth; projects under this program must demonstrate that the proposed maintenance program would result in attainment of significant public recreational lake use, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments, and other pollutants. [525 ILCS 25/3(1)]

Long-Term Restoration and Preservation (Phase II) Project: implementation of lake and watershed management plans as developed under the Diagnostic and Feasibility Study which will provide for long-term restoration benefits and long-term preservation of the lake's water quality. [525 ILCS 25/3(g)]

Metropolitan Statistical Area (MSA): the classification developed by the U.S. Department of Commerce for use by federal agencies in the

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TITLE 35: ENVIRONMENTAL PROTECTION AGENCY
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 368
PROCEDURES FOR DETERMINING PRIORITIES FOR ASSISTANCE AWARDS UNDER THE ILLINOIS CLEAR LAKES PROGRAMS

SUBPART A: INTRODUCTION

Section	Purpose
368.110	Definitions
368.120	Incorporations By Reference
368.130	Funding Allocations
368.140	Funding Priority System
368.150	Applications for Funding
368.160	

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

Section	Formula for Computing Total Priority Points
368.210	A1 Factor (Overall Use Support Assessment)
368.220	A2 Factor (Water Quality Potential)
368.230	A3 Factor (Public Benefits Assessment)
368.240	A4 Factor (Special Considerations)
368.250	

AUTHORITY: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 368.110 Purpose

This Part sets out the procedures that will be used by the Illinois Environmental Protection Agency for prioritizing applications for financial assistance awards under the Illinois Clean Lakes Program.

Section 368.120 Definitions

- a) Unless otherwise specified, all terms shall have the meanings set out in the Illinois Lake Management Program Act [525 ILCS 25], Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31] and the Illinois

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production, analysis and publication of data on metropolitan areas. The MSAs in Illinois are Bloomington-Normal, Champaign-Urbana-Rantoul, Chicago, Davenport-Rock Island-Moline, Decatur, Kankakee, Peoria, Rockford, St. Louis and Springfield.

Priority Points (PP): the individual points based on various factors assigned to an inland lake study or implementation project application.

Total Priority Points (TPP): the sum of all Priority Points assigned to an inland lake study or implementation project application.

Uncommon Resource: an inland lake known to contain endangered or threatened species.

Unique Resource: an inland lake that has oligotrophic water quality and is capable of supporting year-round cold water or "two-tiered" fisheries.

Section 368.130 Incorporations by Reference

- a) The following materials are incorporated by reference: "Illinois Assessment of Water Resource Conditions 1994-1995", IEPA/BOW/96-060(a) and (b) (September 1996).
- b) This Section contains no later editions or amendments.

Section 368.140 Funding Allocations

Funds for the Illinois Clean Lakes Program are targeted to be distributed to lake owners in each fiscal year from 1996 to 2001 by the Agency according to the following percentage amounts:

- a) Phase I projects
 - 1) FY96--60%
 - 2) FY97--45%
 - 3) FY98--40%
 - 4) FY99--35%
 - 5) FY00--30%
 - 6) FY01--25%
- b) Phase II projects
 - 1) FY96--35%
 - 2) FY97--50%
 - 3) FY98--55%
 - 4) FY99--60%
 - 5) FY00--65%
 - 6) FY01--70%
- c) LOMP projects
 - Five percent of available funds are targeted to be distributed by the Agency to LOMP projects in each year from FY96 through FY01.

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Section 368.150 Funding Priority System

Total Priority Points (TPP) will be assigned to each project application submitted for funding according to the methodology set out in Subpart B of this Part. Each project will be ranked from highest to lowest according to TPP and funded according to the targeted distribution schedule set out in Section 368.140 above.

Section 368.160 Applications for Funding

Lake owners seeking Phase I, Phase II or LOMP funding assistance shall submit applications to the Agency in accordance with 35 Ill. Adm. Code 367. Subpart D.

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

Section 368.210 Formula for Computing Total Priority Points

Total Priority Points (TPP) for inland lake study and implementation project applications is a number that is the sum of the Priority Points (PP) assigned according to four factors: A1, A2, A3, and A4. The TPP is calculated as follows: $A1 + A2 + A3 + A4 = TPP$. Points will be assigned to each factor based on lake data and assessment information maintained by the Agency and other State or federal agencies, and data submitted by the applicant. All information provided by the applicant will be subject to verification by the Agency prior to the assignment of Priority Points.

Section 368.220 A1 Factor (Overall Use Support Assessment)

A1 is a factor that evaluates inland lakes based on their overall use support assessment rating. The possible degrees of use support assessment are Full, Full/Threatened, Partial/Minor impairment, Partial/Moderate impairment, or Nonsupport. Priority points for the A1 factor are allocated as follows (0-100 points possible):

Full/Threatened Overall Assessment	100
Partial/Minor or Partial/Moderate Overall Assessment	75
Full Overall Assessment	50
Nonsupport Overall Assessment	25
Insufficient Information to Make a Reliable Assessment	0

This factor will be calculated by the Agency using the data for the lake and methodology set out in the Illinois Water Quality Report, "Illinois Assessment of Water Resource Conditions 1994-1995", IEPA/BOW/96-060(a) and (b) (September 1996) produced by the Agency pursuant to Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)).

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Section 368.230 A2 Factor (Water Quality Potential)

- a) A2 is a factor that evaluates inland lakes based on their Water Quality Potential (WQP). The potential quality of a lake is determined by the quality of the incoming water, water residence time, and lake basin characteristics. Four factors are used to rank inland lakes for water quality potential:

- 1) ratio of watershed area to lake surface area (WA:SA);
- 2) mean lake depth;
- 3) lake water retention time; and
- 4) lake size.

- b) Priority points for the A2 factor are allocated as follows (0-100 points possible):

- 1) Watershed Area/Lake Surface Area Ratio
 - A) Less than or equal to 20 30
 - B) Greater than 20 but less than or equal to 50 20
 - C) Greater than 50 but less than or equal to 100 10
 - D) Greater than 100 0
- 2) Mean Depth (feet)
 - A) Greater than 15 30
 - B) Greater than 10 but less than or equal to 15 20
 - C) Greater than 5 but less than or equal to 10 10
 - D) Less than or equal to 5 0
- 3) Water Retention Time (years)
 - A) Greater than 1.00 30
 - B) Greater than 0.50 but less than or equal to 1.00 20
 - C) Greater than 0.25 but less than or equal to 0.50 10
 - D) Less than or equal to 0.25 0
- 4) Lake Size (acres)
 - A) Greater than 100 but less than or equal to 500 10
 - B) Greater than six but less than or equal to 100; or greater than 500 but less than or equal to 1000 5
 - C) Less than or equal to 6 or greater than 1000 0

Section 368.240 A3 Factor (Public Benefits Assessment)

- a) A3 is a factor that evaluates inland lakes based on their importance or benefit to the general public. This factor is based on the following criteria:

- 1) the ownership and accessibility of the lake to the public;
- 2) current public lake use (annual visitor days);
- 3) proximity of the lake to a Metropolitan Statistical Area;
- 4) the supply of publicly-owned or accessible lakes related to existing or potential demand;
- 5) the multipurpose nature of, or need for, the lake (i.e., public water supply and recreational use);
- 6) the type and number of recreational facilities available; and

- 7) the public benefits that are derived from a lake with an uncommon or unique environment as defined in Section 368.120.
- b) For the A3 factor, priority points are allocated as follows (0-240 points possible):
- 1) Ownership/Access
 - A) Lake Bottom Ownership
 - i) Public 20
 - ii) Public and private 2-18 (2 points per 10% of lake bottom publicly owned; rounded to the nearest 10%) 0

- iii) Private 0
- B) Lake Accessibility
 - i) Public Access (no fees) 100
 - ii) Public Access (non-resident fees for each type of use are less than 200% of resident fees) 90
 - iii) Public Access (non-resident fees for each type of use are greater than 200% of resident fees) 25
- 3) Recreational Lake Use
 - A) Very Heavy (more than 200,000 users/year) 15
 - B) Heavy (between 100,000 and 200,000 users/year) 10
 - C) Moderate (between 25,000 and 100,000 users/year) 5
 - D) Light (fewer than 25,000 users/year) 0
- 3) Proximity to MSA
 - A) Within MSA (0 miles) 15
 - B) From 0 to 25 miles 10
 - C) From 26 to 50 miles 5
 - D) Further than 50 miles 0
- 4) Per Capita Availability of Other Public Lakes in the Area (public lake surface area in the county divided by the county population)
 - A) Fewer than 0.01 acres per capita 10
 - B) Between 0.01 and 0.10 acres per capita 5
 - C) 0.10 acres or more per capita 0
- 5) Use as a Public Water Supply
 - A) Primary public water supply 20
 - B) Alternate or secondary public water supply 10
 - C) Not a public water supply 0
- 6) Recreational Uses (may include fishing, canoe/sail/motor boats, swimming, camping bicycling, hiking, picnicking, horseback riding, etc.)
 - A) Facilities to support four or more recreational uses; or facilities 10

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- for swimming 10
 B) Facilities to support two or three recreational uses 5
 C) Facilities to support one recreational use 0

7) Environmental Uniqueness

- A) The lake is a unique resource as defined in Section 368.120 50
 B) The lake is an uncommon resource as defined in Section 368.120 15
 C) The lake is not a unique or uncommon resource as defined in Section 368.120 0

Section 368.250 A4 Factor (Special Considerations)

A4 is a factor that will only be used for two or more project applications having equal total priority points based on the sum of Factors A1, A2, and A3. In such cases priority points will be allocated to each affirmative answer to the following questions (Yes-1, No-0). For the A4 factor, priority points are allocated as follows (0-5 points possible):

- Does the project utilize a comprehensive watershed and management approach?
- Has the tributary watershed area been previously protected to prevent point and nonpoint source pollution to the lake?
- Does the project include coordination of activities with other local, State, and federal agencies?
- Is there a commitment by the applicant to cost-share more than the minimum required by at least an additional 10%?
- Does the applicant have a history of undertaking previous lake or watershed management efforts to solve lake problems?

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedures for Issuing Financial Assistance Awards under the Illinois Clean Lakes Program

- 2) Code Citation: 35 Ill. Adm. Code 367

3) Section Numbers:Proposed Action:

367.110	New Section
367.120	New Section
367.210	New Section
367.220	New Section
367.310	New Section
367.320	New Section
367.410	New Section
367.420	New Section
367.430	New Section
367.440	New Section
367.450	New Section
367.460	New Section
367.510	New Section
367.520	New Section
367.610	New Section
367.620	New Section
367.630	New Section
367.710	New Section
367.720	New Section
367.730	New Section
367.740	New Section
367.750	New Section
367.760	New Section
367.770	New Section
367.780	New Section
367.790	New Section
367.810	New Section
367.820	New Section
367.910	New Section
367.920	New Section
367.930	New Section
367.940	New Section
367.950	New Section
367.960	New Section
367.1010	New Section
367.1020	New Section
367.1030	New Section
367.1040	New Section
367.1050	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Projects

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Fund [30 ILCS 105/62-32]

- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Projects Fund [30 ILCS 105/62-32] authorize the Illinois Environmental Protection Agency to establish a program for the management and improvement of the water quality and uses of Illinois inland lakes and, to that end, to make financial assistance awards to lake owners to implement comprehensive lake water quality and use improvement strategies. This Part 367 establishes eligibility criteria for financial assistance awards and procedures for the submittal of financial assistance applications, and sets out the criteria the Agency will use in reviewing financial assistance applications. A companion rulemaking, "Procedures for Determining Priorities for Assistance Awards Under the Illinois Clean Lakes Program," 35 Ill. Adm. Code 368, sets out the methodology the Agency will follow in prioritizing financial assistance applications.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? Yes

- 9) Are there other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the States Mandate Act [30 ILCS 805/3]. These proposed rules are consistent with the policy objectives set out in Section 2 of the Illinois Lake Management Program Act [525 ILCS 25/2].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this rulemaking may be submitted in writing for a period of forty-five (45) days following publication of this notice to:

Gregg Good, Manager
Lake & Watershed Unit
Planning Section
Division of Water Pollution Control
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
(217) 782-3362

ENVIRONMENTAL PROTECTION AGENCY

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Illinois Clean Lakes Program will affect small businesses, small municipalities and not-for profit corporations that qualify as "lake owners" as defined in proposed Section 367.120 who need financial assistance to undertake comprehensive water quality and use improvements in their lakes.
- B) Reporting, bookkeeping and other procedures required for compliance: The proposed rules include specific tracking and auditing procedures to be followed by financial assistance award recipients.
- C) Types of skills necessary for compliance: No additional professional skills are required by this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not summarized in its present form on a Regulatory Agenda.

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE F: PUBLIC WATER SUPPLIES
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 367
 PROCEDURES FOR ISSUING FINANCIAL ASSISTANCE
 AWARDS UNDER THE ILLINOIS CLEAN LAKES PROGRAM

SUBPART A: INTRODUCTION

Section
 367.110
 367.120
 367.130

Purpose
 Definitions
 Incorporations

SUBPART B: FINANCIAL ASSISTANCE PROGRAMS

Section
 367.210
 367.220

Financial Assistance Awards
 Assistance Eligibility Criteria

SUBPART C: FUNDING LEVELS

Section
 367.310
 367.320

Phase I Study Awards
 Phase II and LQMP Awards

SUBPART D: ASSISTANCE APPLICATIONS

Section
 367.410
 367.420
 367.430
 367.440
 367.450
 367.460

Assistance Award Pre-Application
 Phase I Assistance Application
 Phase II Assistance Application
 LQMP Assistance Application
 Re-application
 Project Selection

SUBPART E: PUBLIC PARTICIPATION

Section
 367.510
 367.520

Public Notification of Assistance Award
 Public Participation in the Selection of a Lake Restoration or Protection Plan

SUBPART F: MONITORING REQUIREMENTS

Section
 367.610

Monthly Reports

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367.620 Final Phase I Report
 367.630 Final Phase II and LQMP Reports

SUBPART G: ASSISTANCE AWARD CONDITIONS AND LIMITATIONS

Section
 367.710
 367.720
 367.730
 367.740
 367.750
 367.760
 367.770
 367.780
 367.790

Financial Assistance Agreements
 Phase I Project Implementation Requirement
 Agreement Period
 Appropriation Contingency
 Project Changes
 Financial Assistance Award Termination
 Subcontracts
 Drug Free Workplace
 Final Inspection for Phase II and LQMP Projects

SUBPART H: ACCESS, AUDITING AND RECORDS

Section
 367.810
 367.820

Access
 Audit and Records

SUBPART I: PAYMENTS

Section
 367.910
 367.920
 367.930
 367.940
 367.950
 367.960

Determination of Allowable Project Costs
 Requests for Payment
 Reimbursement Rate
 Contingency
 Withholding of Payments
 Final Payment

SUBPART J: REQUIREMENTS FOR PHASE I DIAGNOSTIC AND FEASIBILITY STUDIES AND
 ENVIRONMENTAL EVALUATIONS

Section
 367.1010
 367.1020
 367.1030
 367.1040
 367.1050

General
 Phase I Diagnostic Study
 Phase I Feasibility Study
 Environmental Evaluation
 Approval of Phase I Recommended Alternatives

AUTHORITY: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and Section 6-32 of the State Finance Act [30 ILCS 105/62-32]

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

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SUBPART A: INTRODUCTION

Section 367.110 Purpose

The Illinois Environmental Protection Agency is authorized by the Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Projects Fund [30 ILCS 105/6z-32] to establish a program for managing and improving the uses and water quality of Illinois inland lakes and, to that end, to provide financial assistance to lake owners to implement comprehensive use and water quality improvement strategies. This Part 367 establishes the eligibility criteria for financial assistance awards, the procedures for submitting financial assistance applications, and the criteria under which applications will be reviewed by the Illinois Environmental Protection Agency.

Section 367.120 Definitions

- a) Unless otherwise specified, all terms shall have the meanings set out in the Illinois Lake Management Program Act [525 ILCS 25] and the Illinois Environmental Protection Act [415 ILCS 5].
- b) For the purposes of this Part, the following definitions apply:

Agency: the Illinois Environmental Protection Agency.

Comprehensive Lake Management: an action resulting from lake management strategies and plans that address all potential causes of lake degradation, including factors situated both in the lake and within the lake's tributary watershed; and followed by the development and implementation of management strategies that impart long-term improvements and benefits for the lake. [525 ILCS 25/3(c)]

Diagnostic and Feasibility (Phase I) Study: the gathering of data to document the existing and potential sources of pollution and to determine the limnological, morphological, demographic, and other pertinent characteristics of an inland lake and its associated watershed and the analysis of this information to determine the most appropriate method for improving or preserving the quality of the lake for intended uses and to determine the need for a Long-Term Restoration and Preservation (Phase II) Project or a Lake Water Quality Maintenance Program (LQMP). [525 ILCS 25/3(d)]

Financial Assistance Agreement (FAA): an agreement between the Agency and the lake owner that covers the conditions of the financial assistance award.

Financial Assistance Recipient: a lake owner who has entered into a Financial Assistance Agreement with the Illinois Environmental Protection Agency.

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Illinois Clean Lakes Program: the inland lake study or implementation financial assistance award program administered by the Agency pursuant to the Illinois Lake Management Act [525 ILCS 25] and the Conservation 2000 Fund program [30 ILCS 105/6z-32].

Lake: any inland lake as defined in Section 3(e) of the Illinois Lake Management Act [525 ILCS 25/3(e)].

Lake Owner: the owner, owners, or designated management authority of any inland lake who possesses the legal authority over a given lake and the ability to generate revenue and in-kind contributions to perform Diagnostic and Feasibility Studies and to enact comprehensive lake management through the implementation of Long-Term Restoration and Preservation Projects (Phase II) and Lake Water Quality Maintenance Programs. [525 ILCS 25/3(f)]

Lake Quality Maintenance Program (LQMP): the water quality maintenance program described in Section 3 of the Illinois Lake Management Program Act [525 ILCS 25/3] for implementation of a lake and watershed management plan recommended by the Diagnostic and Feasibility (Phase I) Study which provides short-term relief from nuisance aquatic vegetation and algae growth; projects under this program must demonstrate that the proposed maintenance program would result in attainment of significant public recreational lake use, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments, and other pollutants. [525 ILCS 25/3(l)]

Long-Term Restoration and Preservation (Phase II) Project: implementation of lake and watershed management plans as developed under the Diagnostic and Feasibility Study which will provide for long-term restoration benefits and long-term preservation of the lake's water quality. [525 ILCS 25/3(g)]

Monitoring: programs to scientifically document the existing chemical, physical, and biological quality of a lake and the potential sources of pollutants which might lead to the lake's degradation or reduced environmental and cultural values. [525 ILCS 25/3(h)]

Section 367.130 Incorporations

- a) The following materials are incorporated by reference:
American Institute of Public Accountants Professional Standards, 666 Fifth Avenue, New York, New York 10019 (June 1, 1987)
- b) The following materials are referenced in this Part:
1) Methods Manual, Illinois Environmental Protection Agency Division of Laboratories
2) Protocol for the Conduct of Phase I Diagnostic-Feasibility

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- Studies and Environmental Evaluations, Illinois Lake Management Program Act Administrative Framework Plan, Appendix I, IEPA/WPC/91-212 (June, 1992)
- c) The incorporations included in this Section contain no additional editions or amendments.

SUBPART B: FINANCIAL ASSISTANCE PROGRAMS

Section 367.210 Financial Assistance Awards

The following financial assistance awards are available under the Illinois Clean Lakes Program for lake protection and restoration at the local level:

- a) Diagnostic and Feasibility Study (Phase I) Awards
These awards are available to lake owners to conduct a Phase I Diagnostic and Feasibility Study to determine, through monitoring, the current limnological, morphological, demographic, and socioeconomic conditions of a specific lake and its watershed and to develop action plans for future lake protection and restoration.
- b) Long-Term Restoration and Preservation Project (Phase II) Awards
These awards are available to lake owners who have completed a Phase I or equivalent study report that meets the requirements of Subpart J of this Part and who agree to implement lake and watershed management plans that provide for the long-term restoration of lake water quality and associated designated lake uses.
- c) Lake Quality Maintenance Program (LQMP) Awards
These awards are available to lake owners who have completed a Phase I or equivalent study report that meets the requirements of Subpart J of this Part, and who agree to implement lake and watershed management plans that will:
- 1) provide short-term relief from nuisance aquatic vegetation and algae growth; and
 - 2) result in the attainment of significant public recreational and other beneficial lake uses such as swimming, fishing, or boating; and
 - 3) insure that watershed management plans are being implemented to control incoming pollutants, such as sediment and nutrients.

[525 ILCS 25/3(j)]

Section 367.220 Assistance Eligibility Criteria

- a) Any inland lake owner who meets the following criteria is eligible to apply for a Phase I, Phase II or LQMP assistance award:
- 1) The lake owner has the legal authority to enter into contracts or agreements with local, State and federal agencies and private organizations for the purpose of performing Phase I, Phase II or LQMP projects;
 - 2) The lake owner has the authority and ability to adopt, implement and enforce official controls; and

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- 3) The lake owner has the authority and ability to generate revenue and in-kind contributions, and agrees to pay the local share of project costs.
- b) Assistance may be requested for any Illinois inland lake as defined in Section 3(e) of the Illinois Lake Management Act that meets the following requirements:
- 1) Either:
 - A) the lake has an identifiable and quantifiable chemical, physical or biological problem resulting in the impairment of beneficial uses; or
 - B) the lake is in need of protection or is potentially being threatened by any point or nonpoint source of pollution; and
 - 2) the primary uses of the lake include general recreation, public water supply, aquatic life, or primary contact.
 - c) The following lakes will generally not be considered eligible for Phase I, Phase II or LQMP assistance:
 - 1) lakes whose primary function is as stormwater detention basins;
 - 2) side-channel impoundments that are mechanically filled with water, and cannot be naturally recharged by surface water runoff or groundwater inflow;
 - 3) lakes that have a surface acreage of less than six acres;
 - 4) ponds owned and managed by private landowners; and
 - 5) river backwater lakes.

SUBPART C: FUNDING LEVELS

Section 367.310 Phase I Study Awards

The State of Illinois, through the Illinois Environmental Protection Agency, will provide up to a maximum of 60% of the total cost of a Phase I Diagnostic and Feasibility Study, with the lake owner or other sources providing a minimum 40% match. The total State contribution to a Phase I study may not exceed \$75,000 per project.

Section 367.320 Phase II and LQMP Awards

- a) The State of Illinois, through the Illinois Environmental Protection Agency, will provide up to a maximum of 50% of the total project cost for Phase II Long-Term Restoration and Preservation Projects or LQMP projects, with the lake owner or other sources providing a minimum 50% match. No more than a maximum of \$300,000 in State cost-share monies will be allocated to any Phase II project, and no more than a maximum of \$10,000 in State cost-share monies will be allocated to any LQMP project.
- b) Lake owners whose Phase I reports meet the requirements of Subpart J of this Part and who have conducted or are currently conducting Phase I type work under the auspices of Section 315 of the Federal Water Pollution Control Act (33 U.S.C. 1324) (Federal Clean Lakes Program)

ENVIRONMENTAL PROTECTION AGENCY

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may apply for Phase II or LQMP assistance awards under the Illinois Clean Lakes Program.

SUBPART D: ASSISTANCE APPLICATIONS

Section 367.410 Assistance Award Pre-Application

Lake owners seeking Phase I, Phase II or LQMP funding assistance shall submit the following pre-application information to the Agency by August 31 of each year:

- a) Lake name;
- b) Lake location (city and county);
- c) Name of local project sponsor (grant applicant, source of local match);
- d) Name, address and telephone number of local contact;
- e) Name, address and telephone number of person who prepared application;
- f) Type of award requested (Phase I, Phase II or LQMP);
- g) Estimated project cost;
- h) Estimated local match for project;
- i) Project period;
- j) Lake characteristics:
 - 1) Surface area (acres and hectares);
 - 2) Mean depth (feet and meters);
 - 3) Maximum depth (feet and meters);
 - 4) Volume (acre-feet and cubic meters);
 - 5) Retention time (in years, if available);
 - 6) Type of lake and year constructed (if applicable);
- k) Watershed characteristics (in acres and hectares and percentage of total area):
 - 1) Total watershed area;
 - 2) Cropland;
 - 3) Pasture;
 - 4) Forest;
 - 5) Urban;
 - 6) Other;
- l) Lake ownership and access:
 - 1) Specific description of lake bottom ownership;
 - 2) Specific description of the degree of public access to lake shoreline;
- m) Lake use:
 - 1) List of major uses associated with the lake;
 - 2) List of available recreational facilities;
 - 3) Estimated annual recreational use in visitor days (1 user per day = 1 visitor day);
 - 4) Public water supply usage (population served and MGD);
- n) A brief description of the lake's history, use, importance and watershed conditions;
- o) A brief description of the lake's impaired uses and water quality

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problems, including the causes of the problems;

- p) A brief description of the lake restoration plan including, for Phase I projects, the measures anticipated; and, for Phase II or LQMP projects, the measures planned to be implemented and the estimated cost of each measure;
- q) A brief description of the level to which the watershed area has been protected to prevent pollution of the lake;
- r) A brief description of the history of any lake restoration or any previous local efforts to solve the existing problems.

Section 367.420 Phase I Assistance Application

Applications for Phase I financial assistance shall be forwarded to the Agency by the lake owner no later than October 31 of each year. The Phase I application shall include the following information:

- a) Application Proposal
 - 1) A narrative statement describing the specific procedures that will be used to conduct a Phase I Diagnostic and Feasibility Study as required under Subpart J of this Part, including a description of public participation measures.
 - 2) A description of the division of labor and responsibility for the Phase I study.
 - 3) A milestone schedule.
 - 4) An itemized cost estimate, including justification of the costs.
 - 5) Mandatory lake information as follows:
 - A) Lake name;
 - B) Lake location (including latitude and longitude of the lake center);
 - C) Physical characteristics of the lake, including:
 - i) Surface area (acres and hectares);
 - ii) Maximum depth (feet and meters);
 - iii) Mean depth (feet and meters);
 - iv) Volume (acre feet and cubic meters);
 - v) Stratification;
 - vi) Retention time (in years);
 - vii) Major inflows and outflows.
- 6) A summary of available chemical and biological data indicating the past and present water quality of the lake.
- 7) A detailed description of the type and amount of public access and a discussion of the public benefits of protecting and restoring the lake.
- 8) A description of the recreational, public water supply, and other uses impaired due to degraded water quality and a discussion of the causes and sources of impairment.
- 9) A discussion of local interest and resource commitment in lake restoration.
- 10) A description of a proposed Phase I monitoring program to provide for the collection of the information required in Section

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367.1020 of this Part.

- 11) Lake watershed characteristics as follows:
 - A) Size (acres and hectares);
 - B) Land use (each major use as a percentage of whole);
 - C) General topography and major soil types.
 - 12) A listing of the major point source discharges in the lake watershed (including NPDES permit numbers).
 - 13) An estimate of the percent contribution of total nutrient and sediment loading to the lake by identified point sources.
 - 14) A listing of the major nonpoint sources in the lake watershed and a description of the control measures applied.
 - 15) A discussion of the lake or watershed management practices currently being implemented.
 - 16) A discussion of the anticipated lake protection or restoration methods and the projected net improvements in the chemical, physical or biological quality of the lake.
 - 17) A discussion of any anticipated adverse environmental impacts due to the lake restoration.
- b) Certifications
The Phase I assistance application shall include a completed and signed set of certifications as provided in the Agency's application package.
 - c) Project Cost Summary
The Phase I assistance application shall include a completed and signed Project Cost Summary worksheet as provided in the Agency's application package that specifies all expenditures requested for the project.

Section 367.430 Phase II Assistance Application

Applications for Phase II long-term restoration and preservation project assistance shall be forwarded to the Agency no later than October 31 of each year. Phase II assistance applications shall consist of a completed and Agency-approved Phase I Diagnostic and Feasibility Study and a set of completed and signed certification and project cost summary documents. The and signed certification and project cost summary documents.

Section 367.440 LQMP Assistance Application

Applications for LQMP assistance shall be forwarded to the Agency no later than October 31 of each year. An LQMP application shall consist of a completed and Agency-approved Phase I Diagnostic and Feasibility Study, and a set of completed and signed certification and project cost summary documents. The Feasibility portion of the Phase I study (see Section 367.1030 of this Part) shall include a demonstration that the proposed maintenance activities will result in the attainment of significant recreational and other beneficial lake uses such as swimming, fishing and boating, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments and other pollutants.

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Section 367.450 Re-application

A lake owner whose application was not funded may resubmit the application in a subsequent fiscal year by notifying the Agency in writing on or before August 31. The lake owner shall submit to the Agency by October 31 an update of the information previously submitted.

Section 367.460 Project Selection

All applications received by October 31 of each fiscal year will be reviewed for funding by the Agency in accordance with the "Procedures for Determining Priorities for Inland Lake Study and Implementation Project Awards," 35 Ill. Adm. Code 368.

SUBPART E: PUBLIC PARTICIPATION

Section 367.510 Public Notification of Assistance Award

Within two months after receipt of a signed financial assistance award agreement the lake owner shall submit to newspaper, radio and television stations in the immediate project area a news release that includes the following information:

- a) program name;
- b) the program sponsors;
- c) a statement of purpose;
- d) the anticipated timeframe for the study;
- e) the name and address of the local contact person; and
- f) a statement inviting participation from the general public.

Section 367.520 Public Participation in the Selection of a Lake Restoration or Protection Plan

Prior to selecting final restoration alternatives, the lake owner shall hold a public meeting to solicit public comment in developing, evaluating and selecting restoration practices. A public notice shall be published in a newspaper of general circulation in the immediate project area 30 days in advance of the meeting and shall include the following information:

- a) the purpose, date, time and location of the public meeting;
- b) a description of the proposed restoration alternatives in fact sheet or summary form; and
- c) the location, including address and telephone number, where complete information may be obtained.

SUBPART F: REPORTING REQUIREMENTS

Section 367.610 Monthly Reports

All award recipients who are carrying out Phase I, Phase II and LQMP projects

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shall submit monthly project status reports to the Agency. These reports shall include a discussion of such matters as work progress, project findings, and any difficulties encountered. Monthly reports shall cover the period from the 25th day of one month to the 24th day of the next month, and shall be due to the Agency on the last day of each month.

Section 367.620 Final Phase I Report

Phase I final reports meeting the requirements of Subpart J of this Part shall be submitted to the Agency on the date specified on the financial assistance agreement.

Section 367.630 Final Phase II and LQMP Reports

Lake owners with Phase II or LQMP projects shall carry out a limited lake monitoring program for at least one year after all protection or restoration practices have been implemented. This program, as specified and agreed upon with the Agency in the final Phase I report, shall be conducted to allow for an evaluation of pre- and post-implementation lake conditions. Upon completion of the post-implementation monitoring program, the lake owner shall prepare a final report that discusses project implementation and results. The final report shall, at a minimum, include the topics and be organized according to the following format, and shall be submitted to the Agency on the date established in the financial assistance agreement:

- a) An Executive Summary section;
- b) An Introduction section;
- c) A Materials and Methods section, including the following:
 - 1) A description of the implementation program, including both watershed and in-lake treatments implemented;
 - 2) A description of pre- and post-implementation water quality sampling and analysis procedures, including:
 - A) physiochemical and limnological data collection;
 - B) chlorophyll and phytoplankton data collection; and
 - C) other applicable data collection;
 - 3) A description of the methods used to calculate a hydrologic budget;
 - 4) A description of the methods used to calculate a nutrient budget;
 - 5) A description of the methods used to calculate a sediment budget;
 - 6) A description of data analysis procedures, including how data were grouped into pre- and post-implementation periods and how data were analyzed;
- d) A Results and Discussion section, including:
 - 1) An analysis of the watershed implementation program;
 - 2) An analysis of the in-lake implementation program pertaining to:
 - A) dissolved oxygen and temperature;
 - B) alkalinity, pH and conductivity;
 - C) Secchi transparency and suspended solids;
 - D) nutrients;

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- E) chlorophyll;
- F) phytoplankton; and
- G) other applicable parameters;
- 3) An analysis of pre- and post-implementation hydrologic budgets;
- 4) An analysis of pre- and post-implementation nutrient budgets; and
- 5) An analysis of pre- and post-implementation sediment budgets;
- e) A Conclusions and Recommendations section;
- f) A References section;
- g) An Appendices section.

SUBPART G: ASSISTANCE AWARD CONDITIONS AND LIMITATIONS

Section 367.710 Financial Assistance Agreements

In order to receive an Illinois Clean Lakes Program assistance award, a lake owner must enter into an intergovernmental financial assistance agreement (FAA) with the Agency. The assistance agreement shall include, at a minimum, the following elements:

- a) The agreement period;
- b) A project description and scope of work;
- c) A project schedule;
- d) An identification of allowable project costs and associated cost-share rate;
- e) Conditions for financial assistance; and
- f) Signed certifications of the applicant's authority and involvement in the project. (See Section 367.420(b) of this Part.)

Section 367.720 Phase I Project Implementation Requirement

In order to receive a Phase II or LQMP implementation project assistance award the lake owner must agree to apply, at a minimum, the restoration practices and methods described and recommended in the approved Phase I Report required under Section 367.1130.

Section 367.730 Agreement Period

- a) Phase I Studies
Financial assistance agreements for Phase I studies shall have a maximum term of 36 months. The lake owner may, however, apply to the Agency in writing for a no-cost time extension of up to six additional months.
- b) Phase II Implementation
Financial assistance agreements for Phase II implementation projects shall have a maximum term of 60 months. The lake owner may, however, apply to the Agency in writing for a no-cost time extension of up to 12 additional months.
- c) LQMP Implementation
Financial assistance agreements for LQMP implementation shall have a

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maximum term of 18 months. A lake owner may apply to the Agency in writing for a no-cost time extension of up to six additional months in cases where seasonal or other physical lake conditions prevent completion of the project within an 18-month period.

Section 367.740 Appropriation Contingency

All assistance awards are contingent upon the availability of Illinois General Assembly appropriations to conduct the Illinois Clean Lakes Program.

Section 367.750 Project Changes

- a) Prior approval by the Agency is required for project changes that may:
- 1) increase the amount of assistance award funds needed to complete the project;
 - 2) alter the design or scope of the project; or
 - 3) extend any contractual completion date for the project.
- b) The assistance award recipient shall promptly notify the Agency, in writing, of all proposed project changes. Failure by the award recipient to give notice of proposed project changes or the Agency's disapproval of a proposed project change may result in:
- 1) disallowance of costs incurred that are attributable to the change; or
 - 2) termination of the assistance award.

Section 367.760 Financial Assistance Award Termination

- a) Termination by the Agency
- The Agency may, by written notice and after consultation with the recipient, terminate the financial assistance award in whole or in part. The following circumstances may be cause for termination of an award:
- 1) failure of the Illinois General Assembly or a funding source to appropriate or otherwise make available sufficient funding for an assistance agreement;
 - 2) default by the award recipient;
 - 3) failure of the recipient to comply with the terms and conditions of the financial assistance agreement;
 - 4) failure of the recipient to comply with the requirements of Subpart I of this part;
 - 5) failure to obtain approval of the Agency prior to making project changes;
 - 6) changes in program requirements or priorities.
- b) Effects of Termination
- Upon termination of the assistance award, the recipient shall refund to the State of Illinois Conservation 2000 Project Fund any unexpended assistance award funds, except for funds required by the recipient to pay for allowable costs for materials and equipment furnished, or for

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services rendered under an enforceable contract, prior to the effective date of the termination. The provisions of the Illinois Grants Recovery Act [30 ILCS 705] shall be applicable to the recovery of any award funds that the Agency determines have been misspent or are being improperly held by the award recipient.

c) Repayment of Assistance Award

Upon termination by the Agency of an assistance award for any of the reasons set out in subsection (a)(3), (a)(4) or (a)(5) above, the Agency may require that the award recipient repay to the State of Illinois Conservation 2000 Fund any financial assistance funds it has already expended.

Section 367.770 Subcontracts

The lake owner may not use any subcontractors, outside associates or consultants in connection with any services covered by a financial assistance agreement unless specifically authorized by the Agency. When subcontracts are authorized, the lake owner shall submit to the Agency an executed copy of each agreement within seven days after signature.

Section 367.780 Drug Free Workplace

- a) Every award recipient who has 25 or more employees at the time of signing the financial assistance award or who is directly responsible for specific performance under an assistance award of \$5,000 or more shall certify that it will provide a drug free workplace by taking the following steps:
- 1) Publishing a statement:
 - A) notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the award recipient's workplace;
 - B) specifying the actions that will be taken against employees for violations of such prohibitions;
 - C) notifying the employee that, as a condition of employment on such award project, the employee will:
 - i) abide by the terms of the statement; and
 - ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - 2) Establishing a drug free awareness program to inform employees about:
 - A) dangers of drug abuse in the workplace;
 - B) the award recipient's policy of maintaining a drug free workplace;
 - C) any available drug counseling, rehabilitation, and employee assistance programs; and
 - D) penalties that may be imposed upon employees for drug

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violations.

- 3) Providing a copy of the statement required by subsection (a) of this Section to each employee engaged in the performance of the assistance award and posting a copy of the statement in a prominent place in the workplace.
- 4) Notifying the Agency within ten days after receiving a notice of conviction under subsection (b)(3)(B) of this Section from an employee or otherwise receiving actual notice of a conviction.
- 5) Imposing a sanction on, or requiring satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a violation of a criminal drug statute, as required by Section 5 of the Drug Free Workplace Act [30 ILCS 580/5].
- 6) Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
- 7) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.
- b) In cases where the financial assistance award is more than \$5,000 and the recipient is an individual, the recipient shall certify that he or she will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the Clean Lakes project. [30 ILCS 580/3 and 4]

Section 367.790 Final Inspection for Phase II and LOMP Projects

The award recipient shall notify the Agency in writing within 30 days after the completion of Phase II implementation project activities. The Agency will schedule a final inspection of the project within 60 days after the receipt of the notice.

SUBPART H: ACCESS, AUDITING AND RECORDS

Section 367.810 Access

- a) The Agency and its authorized representatives shall have access, during normal working hours and at all other times when work is being performed, to the area or premises where any portion of the work for which the financial assistance award was provided is being performed.
- b) All contracts entered into by a financial award recipient in connection with a Phase I, Phase II or LOMP project shall provide that the Agency and its authorized representatives shall have access to any work being performed by the subcontractor as well as access to all pertinent books, documents, papers and records of the subcontractor for the purpose of auditing, examination, excerpting or transcribing.
- c) Failure of the assistance award recipient or of a subcontractor to provide the access required by this Section, after 10 days written notice from the Agency, may be cause for termination of the assistance

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agreement pursuant to Section 367.760 and refund to the State of Illinois Conservation 2000 Project Fund of any unexpended assistance funds.

Section 367.820 Audit and Records

- a) The assistance award recipient shall maintain books, records, documents, reports, and other evidentiary material and accounting procedures and practices that are consistent with generally accepted government accounting standards in accordance with the American Institute of Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987) to properly account for:
 - 1) the receipt and disposition of all assistance received by the award recipient for the project, including both State assistance and any matching share or cost sharing; and
 - 2) The costs charged to the project, including all direct and indirect costs incurred for the performance of the project. The foregoing constitutes "records" for the purposes of this Section 367.820.
- b) The award recipient's records shall be subject to inspection and audit by the Agency or its authorized representative at the times specified in Section 367.810 (Access).
- c) The award recipient shall preserve and make the records available to the Agency or its authorized representative for a period of seven years beyond the termination of the assistance award.
- d) Failure of the assistance award recipient or a subcontractor to make the records available as required by Section 367.810 (Access) after 10 days written notice from the Agency may be cause for termination of the assistance agreement and refund to the State of Illinois Conservation 2000 Project Fund of any unexpended assistance funds.

SUBPART I: PAYMENTS

Section 367.910 Determination of Allowable Project Costs

- a) The award recipient shall be paid upon request, in accordance with Section 367.930, for all costs within the scope of Phase I, Phase II or LOMP project development that the Agency determines to be allowable in accordance with the criteria set out in subsection (b) of this Section.
- b) Allowable Project Costs

Project costs of the award recipient that are reasonable and necessary are allowable costs. Necessary costs may include, but are not limited to:

 - 1) Lake and watershed information and data development and compilation;
 - 2) Monitoring activities (physical, chemical, and biological);

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- 3) Project management and administration;
- 4) Development of reports and public information materials;
- 5) Equipment purchases;
- 6) Implementation of lake restoration alternatives recommended in an approved Phase I report;
- 7) Implementation of watershed best management practices recommended in an approved Phase I report that are critical to the success of an implementation project.

c) Ineligible Costs

The following project costs are ineligible for reimbursement:

- 1) Any costs that are incurred prior to the start of or after the end of the financial assistance agreement period;
- 2) Operation and maintenance of in-lake or watershed related practices and equipment;
- 3) Installation of facilities or equipment that are eligible for funding under the Water Pollution Loan Program authorized by 415 ILCS 5/19.1.
- 4) Activities related to the purchase or long-term leasing of land solely to provide public access;
- 5) Activities regulated by State solid waste, toxic waste, or hazardous waste related permits or regulations;
- 6) Activities funded by State or federal grants for wastewater treatment facilities;
- 7) Activities related to building, utility, highway or road construction;
- 8) Activities implemented for flood control purposes;
- 9) Activities that violate State, local, or federal laws, ordinances or regulations.

Section 367.920 Requests for Payment

Requests for payment of expenditures incurred in connection with Phase I, Phase II and LQMP projects shall be submitted to the Agency no more frequently than monthly and shall include the following information:

- a) Project name and location;
- b) Period in which the costs were incurred;
- c) Amount requested;
- d) Itemized accounting reports;
- e) Subcontractor billing statements;
- f) Documentation of payments made by the award recipient to subcontractors; and
- g) Any other information necessary to document costs incurred and paid.

Section 367.930 Reimbursement Rate

a) Phase I Projects

Eligible costs incurred in connection with Phase I projects shall be paid by the Agency according to the maximum cost-share rate of 60%, as

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provided in Section 367.310 this Part, or the cost-share rate established in the financial assistance agreement.

b) Phase II and LQMP Projects

Eligible costs incurred in connection with Phase II or LQMP projects shall be paid by the Agency according to the maximum cost share rate of 50%, as provided in Section 367.320 of this Part, or the cost-share rate established in the financial assistance agreement.

Section 367.940 Contingency

The Agency may hold up to 10% of the total project costs prior to final payment to ensure that all requirements of the project have been met.

Section 367.950 Withholding of Payments

The Agency may withhold payment to an assistance award recipient who is not meeting the project schedule contained in the financial assistance agreement.

Section 367.960 Final Payment

a) Phase I Projects

Final payment, including release of any funds held by the Agency pursuant to Section 367.950 above, will be made for Phase I and LQMP projects upon a determination by the Agency that the project has been implemented according to the scope of work contained in the approved financial assistance agreement.

b) Phase II and LQMP Projects

Final payment, including release of any funds held by the Agency pursuant to Section 367.950 above, will be made for Phase II and LQMP projects after the Agency has conducted a final inspection pursuant to and has determined that the project has been implemented according to the final Phase I Diagnostic and Feasibility Study and the scope of work contained in the approved financial assistance agreement.

SUBPART J: REQUIREMENTS FOR PHASE I DIAGNOSTIC AND FEASIBILITY STUDIES AND ENVIRONMENTAL EVALUATIONS

Section 367.1010 General

Phase I study reports shall include the elements contained in this Subpart J, in the order presented and under appropriate subheadings. The information required by Section 367.1020 below shall be collected in accordance with the requirements of the "Protocol for the Conduct of Phase I Diagnostic-Feasibility Studies and Environmental Evaluations," Illinois Lake Management Program Act Administrative Framework Plan, Appendix I, IEPA/WPC/91-212, June, 1992. So long as the adequacy of the technical information and the integrity of the project are maintained, the information required by Section 367.1120(j) of this Part may be modified to conform to specific project requirements to reduce

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project costs. All modifications must be approved by the Agency.

Section 367.1020 Phase I Diagnostic Study

The Phase I diagnostic study shall contain the following elements:

- a) Identification of the lake to be restored or studied, including:
 - 1) the name of the lake;
 - 2) the location of the lake within the State;
 - 3) the general hydrologic relationship of the lake to associated upstream and downstream waters; and
 - 4) the water quality standards applicable to the lake under 35 Ill. Adm. Code 302.
- b) A geological description of the drainage basin including soil types and soil loss to stream courses that are tributary to the lake.
- c) A description of the public access to the lake including the amount and type of public transportation to the access points.
- d) A description of the size and economic structure of the population residing near the lake that would use the improved lake for recreation and other purposes.
- e) A summary of historical uses of the lake, including recreational uses up to the present time, and a discussion of how these uses may have changed because of water quality degradation.
- f) An explanation, if a particular segment of the lake user population is or will be more adversely impacted by lake degradation.
- g) A statement regarding the water use of the lake compared to other lakes within a 50-mile (80-kilometer) radius.
- h) An itemized inventory of all known point source pollution discharges that affect or have affected lake water quality over the past five years, and a description of any abatement actions that have been completed or are in progress for these discharges, including the time frame for any contemplated future corrective action.
- i) A description of the land uses in the lake watershed that lists each land use classification as a percentage of the whole and quantifies the nonpoint pollutant loading produced by each land use category.
- j) A discussion and analysis of historical baseline limnological data and one year of current limnological data, including the following:
 - 1) the present trophic condition of the lake;
 - 2) the surface area of the lake (acres and hectares);
 - 3) maximum depth of the lake (feet and meters);
 - 4) average lake depth (feet and meters);
 - 5) hydraulic residence time;
 - 6) the area of the watershed draining to the lake (acres and hectares);
 - 7) the physical, chemical, and biological quality of the lake and important lake tributary waters;
 - 8) bathymetric maps;
 - 9) if dredging is expected to be included in the restoration activities, an analysis of representative bottom sediment core

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samples for phosphorus, nitrogen, heavy metals and other chemicals appropriate to State water quality standards and for persistent synthetic organic chemicals where appropriate;

- 10) if dredging is expected to be included in the restoration activities, the results of elutriate testing done according to the Agency's Laboratory Methods Manual;
- 11) an assessment of the phosphorus, nitrogen, and sediment inflows and outflows associated with the lake and a hydraulic budget including groundwater flow;
- 12) vertical temperature and dissolved oxygen data for the lake to determine if the hypolimnion becomes anaerobic and, if so, for how long and over what extent of the bottom;
- 13) total and dissolved phosphorus, nitrite, nitrate, ammonia and organic nitrogen concentrations for the lake;
- 14) measured chlorophyll a values for the upper mixing zone;
- 15) representative alkalinities;
- 16) an assessment of the algal growth limiting nutrient, based on total nitrogen to total phosphorus ratios;
- 17) a discussion of the extent of algal blooms and the predominant algal genera;
- 18) algal biomass, determined through algal genera identification, cell density counts (numbers of cells per milliliter), and converted to cell volume based on factors derived from direct measurements, and reported in biomass of each major genus identified;
- 19) Secchi disc depth and suspended solids measurements;
- 20) an estimate (and map) of the portion of the shoreline and bottom that is impacted by vascular plants (submersed, floating, or immersed higher aquatic vegetation), specifically the lake surface area between 0 and the 30 foot (10 meter) depth contour or twice the Secchi disc transparency depth, whichever is less, including identification of the predominant species;
- 21) an estimate of the sediment load to the lake via shoreline erosion, and a map depicting the location and severity of shoreline erosion;
- 22) for lakes subject to significant public contact use or fished for consumption, standard bacteriological analyses and fish flesh analyses for organic and heavy metal contamination shall be included unless otherwise specified in the financial assistance agreement. All sample analyses shall be conducted by a laboratory certified by the Agency as capable of carrying out water quality analyses. Samples shall be sent to an Agency laboratory for quality assurance and quality control analysis as agreed to by the lake owner and the Agency in the financial assistance agreement.
- k) An identification and discussion of the lake's biological resources, such as fish population, and a discussion of the major known ecological relationships.

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Section 367.1030 Phase I Feasibility Study

The Phase I Feasibility Study shall include the following elements:

- a) An identification and discussion of the alternatives considered for pollution control or lake restoration and an identification and justification of the selected alternatives. This shall include, for each alternative, including the selected alternative, a discussion of the following issues:

- 1) expected water quality improvement;
- 2) technical feasibility;
- 3) estimated costs of each alternative;
- 4) for each alternative, detailed descriptions that:
 - A) specify exactly what activities would be undertaken;
 - B) show how and where these procedures would be implemented;
 - C) illustrate the engineering specifications that would be followed, including preliminary engineering drawings to show in detail the construction aspects of the project; and
 - D) present a quantitative analysis of the pollution control effectiveness and the lake water quality improvement that is anticipated.
- b) A discussion of the particular benefits expected to result from project implementation, including new public water uses that may result from the enhanced water quality.
- c) A lake monitoring program, including a water quality sampling schedule, that meets the requirements of Section 367.630 of this Part.
- d) A proposed work schedule for completing the project, with milestones and a proposed budget and payment schedule that are related to the milestones.
- e) A detailed description of how non-State funds will be obtained for the proposed project.
- f) A summary of public participation in developing and assessing the proposed project that is in compliance with Section 367.520. The summary shall describe the matters brought before the public, the public response, and the lake owner's response to significant comments.
- g) A description of the operation and maintenance plan that the lake owners will follow, including the time frame over which this plan will be operated, to ensure that the pollution controls implemented during the project are continued after the project is completed.
- h) If applicable, copies of all permits or pending permit applications (including the status of applications) necessary to satisfy the requirements of Sections 401 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1344).
- i) If the approved project includes dredging activities or other activities requiring permits, the lake owner must obtain from the U.S. Army Corps of Engineers and the Agency the permits required for the discharge of dredged or fill material. The lake owner shall provide any additional information required to obtain these permits. Copies

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Section 367.1040 Environmental Evaluation

As part of the Phase I study, award recipients shall submit to the Agency an environmental evaluation that consists of full and complete answers to the following questions. (Recipients are also encouraged to address other considerations that they believe apply to their particular project.)

- a) Will the proposed project displace any people?
- b) Will the proposed project deface existing residences or residential areas? What mitigating actions such as landscaping, screening, or buffer zones have been considered? Are they included?
- c) Will the proposed project be likely to lead to a change in established land use patterns, such as increased development pressure near the lake? To what extent and how will this change be controlled through land use planning, zoning, or through other methods?
- d) Will the proposed project adversely affect a significant amount of prime agricultural land or agricultural operations on such land?
- e) Will the proposed project result in a significant adverse effect on park land, other public land, or lands of recognized scenic value?
- f) Has the State Historical Preservation Agency been contacted? Has the award recipient received a response and, if so, what was the nature of that response? Will the proposed project result in a significant adverse effect on lands or structures of historic, architectural, archaeological or cultural value?
- g) Will the proposed project lead to a significant long-range increase in energy demands?
- h) Will the proposed project result in significant and long range or short range adverse changes in ambient air quality or noise levels?
- i) If the proposed project involves the use of in-lake chemical treatment, what long and short term adverse effects can be expected from that treatment? How will the award recipient mitigate these effects?
- j) Is the proposed project located in a floodplain? If so, will the project involve construction of structures in the floodplain? What steps will be taken to reduce the possible effects of flood damage to the project?
- k) If the project involves physically modifying the lake shore or its bed or its watershed, by dredging, for example, what steps will be taken to minimize any immediate and long term adverse effects of such activities? When dredging is employed, where will the dredged material be deposited, what can be expected and what measures will the

of federal permit applications and any associated correspondence must be provided to the Agency at the time they are submitted to the U.S. Army Corps of Engineers. After reviewing the permit applications, the Agency may provide, pursuant to Section 401 of the Federal Water Pollution Control Act, recommendations for appropriate controls and treatment of supernatant derived from dredged material disposal sites to ensure the maximum effectiveness of lake restoration procedures.

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recipient employ to minimize any significant adverse impacts from its deposition?

l) Will the proposed project have a significant adverse effect on fish and wildlife, or on wetlands or any other wildlife habitat, especially those of endangered species? How significant is this impact in relation to the local or regional critical habitat needs? Have actions to mitigate habitat destruction been incorporated into the project? Has the award recipient consulted with the Illinois Department of Natural Resources and with the U.S. Fish and Wildlife Service? What were their replies?

m) Describe any feasible alternatives to the proposed project in terms of environmental impacts, commitment of resources, public interest and costs and discuss why they were not proposed.

n) Describe any other measures not discussed previously that are necessary to mitigate adverse environmental impacts that may result from the implementation of the proposed project.

Section 367.1150 Approval of Phase I Recommended Alternatives

Prior to final selection of the restoration or protection alternatives and completion of the final Phase I report, the award recipient shall submit to the Agency for approval an interim report that consists of the information set out in Section 367.1030(a) of this Part, along with a summary of public participation pursuant to Section 367.520(b) of this Part.

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1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code Citation: 35 Ill. Adm. Code 738

3) Section Numbers: Proposed Action:

738.101 Amended

738.103 Amended

738.104 Amended

738.117 Amended

738.118 New Section

738.120 Amended

4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

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- August 2, 1995
(61 Fed. Reg. 39586)
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.
- August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.
- August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
- September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.
- October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.
- October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.
- October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.
- November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility

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- standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.
- December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."
- February 9, 1996
(61 Fed. Reg. 4903)
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.
- March 15, 1996
(61 Fed. Reg. 10684)
Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.
- March 26, 1996
(61 Fed. Reg. 13103)
Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.
- April 8, 1996
(61 Fed. Reg. 15596)
Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

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April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995,

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and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal Action Summary

July 10, 1996
(61 Fed. Reg. 36419)

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

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February 19, 1997 (62 Fed. Reg. 7501) Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997 (62 Fed. Reg. 25997) Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997 (62 Fed. Reg. 32973) Amendment of carbanate waste listings in response to a judicial remand. USEPA deleted a number of carbanate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997 (62 Fed. Reg. 37693) Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 738 incorporate the Phase III LDR amendments into the UIC rules.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. The existing text of Part 738 includes incorporations by reference, which are centrally located at 35 Ill. Adm. Code 720.111, but the instant amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the

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extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 738 incorporate the Phase III LDR amendments into the UIC rules.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 738 incorporate the Phase III LDR amendments into the UIC rules.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and

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registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND

UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section
738.101 Purpose, Scope and Applicability
738.102 Definitions
738.103 Dilution Prohibited as a Substitute for Treatment
738.104 Case-by-Case Extensions of an Effective Date
738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section
738.110 Waste Specific Prohibitions - Solvent Wastes
738.111 Waste Specific Prohibitions - Dioxin - Containing Wastes
738.112 Waste Specific Prohibitions - California List Wastes
738.114 Waste Specific Prohibitions - First Third Wastes
738.115 Waste Specific Prohibitions - Second Third Wastes
738.116 Waste Specific Prohibitions - Third Third Wastes
738.117 Waste Specific Prohibitions - Newly-Listed Wastes
738.118 Waste Specific Prohibitions - Newly Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section
738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg.

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_____, effective _____.

SUBPART A: GENERAL

Section 738.101 Purpose Scope and Applicability

a) This Part identifies hazardous wastes that are restricted from disposal into Class I hazardous waste injection wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.

b) The requirements of this Part apply to owners or operators of the following Class I wells:

- 1) Hazardous hazardous waste injection wells that are used to inject hazardous waste; and
- 2) Injection wells that are used to inject wastes which once exhibited a prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C, at the point of generation, and which no longer exhibit the characteristic at the point of injection.

c) Wastes otherwise prohibited from injection may continue to be injected:

- 1) If an extension from the effective date of a prohibition has been granted pursuant to Section 738.104; or
- 2) If an adjusted standard has been granted in response to a petition filed under Section 738.120; or
- 3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 721.105.

d) A waste wastes that is are hazardous only because it they exhibits exhibit a hazardous characteristic, and which of hazardous waste and which is are otherwise prohibited from injection under this Part or 35 Ill. Adm. Code 728, are is not prohibited from injection if the following is true of the wastes:

- 1) It is are disposed into a Class-I non-hazardous waste--injection well or a--Class-I hazardous waste injection well that--receives only non-prohibited hazardous wastes, as such--are defined under 35 Ill. Adm. Code 730.106(a); and
- 2) It does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.

BOARD--NOTE:--The exemption for--injection--of--diluted--hazardous waste--in--this--subsection--(d)--was--the--subject--of--litigation--in Chemical Waste Management et al. v. USEPA, 976 F.2d 244 (9th Cir., 1992)--The USEPA response to the mandate in this litigation may result in the repeal or modification of 40 CFR 148.1(d), from which this subsection is derived--USEPA responded to the demand by issuing an interim final rule on May 24, 1993, at 58 Fed. Reg. 29660, but that action did not directly affect 40 CFR 148.1--The Board--views--any--federal court decision on the effectiveness or

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enforceability of the USEPA rule as binding on this subsection.
BOARD NOTE: Derived from 40 CFR 148.1 (1996) (1992)--as amended at 57 Fed. Reg. 31963--July 20, 1992).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 738.103 Dilution Prohibited as a Substitute for Treatment

The prohibition of 35 Ill. Adm. Code 728.103 shall apply to owners or operators of Class-I hazardous waste injection wells.

- a) The provisions of 35 Ill. Adm. Code 728.103 shall apply to owners or operators of Class I wells used to inject a waste that is hazardous at the point of generation whether or not the waste is hazardous at the point of injection.

- b) Owners or operators of Class I non-hazardous waste injection wells that inject waste formerly exhibiting a hazardous characteristic which has been removed by dilution may address underlying hazardous constituents by treating the hazardous waste, obtaining an exemption pursuant to a petition filed under Section 738.120 of this Part, or complying with the provisions set forth in 35 Ill. Adm. Code 728.109.
BOARD NOTE: Derived from 40 CFR 148.3 (1996) (1988)--as added at 53 Fed. Reg. 28155, July 26, 1988.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 738.104 Case-by-Case Extensions of an Effective Date

The owner or operator of a Class I hazardous or non-hazardous waste injection well may submit an application to USEPA BPA for an extension of the effective date of any applicable prohibition established under Subpart B. (See 35 Ill. Adm. Code 728.105.)

BOARD NOTE: Derived from 40 CFR 148.4 (1996) (1988)--as added at 53 Fed. Reg. 28155, July 26, 1988.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.117 Waste Specific Prohibitions - Newly-Listed Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA BPA hazardous waste numbers are prohibited from underground injection:
F037
F038

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K107
K108
K109
K110
K111
K112
K117
K118
K123
K124
K125
K126
K131
K136
U328
U353
U359

- b) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:

K141
K142
K143
K144
K145
K147
K148
K149
K150
K151

- c) Effective--September--19--1995--the--wastes--specified--in--35--Ill--Adm--Code--721--Subpart--C--by--the--following--H--S--BPA--hazardous--waste--numbers--are--prohibited--from--underground--injection:
B001--high--TSC--subcategory--as--specified--at--35--Ill--Adm--Code--728--i40+

B012
B013
B014
B015
B016
B017

- c) This subsection corresponds with 40 CFR 148.17(c), removed and marked "reserved" by USEPA at 61 Fed. Reg. 15662 (April 8, 1996). This statement maintains structural consistency with USEPA rules.

- d) Effective June 30, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:

K117

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K118
K131
K132

- e) The requirements of subsections (a) and (b) above do not apply:
1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
2) If an adjusted standard has been granted in response to a petition under 738. Subpart C of this Part; or
3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.
BOARD NOTE: Derived from 40 CFR 148.17--as-added-at-57-Ped--Reg-37263--Aug--107-1992+ (1996).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 738.118 Waste Specific Prohibitions - Newly Identified Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

K156
K157
K158
K159
K160
K161
P127
P128
P185
P188
P189
P190
P191
P192
P194
P196
P197
P198
P199
P201
P202
P203
P204
P205
U271
U277
U278

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U279
U280
U364
U365
U366
U367
U372
U373
U375
U376
U377
U378
U379
U381
U382
U383
U384
U385
U386
U387
U389
U390
U391
U392
U393
U394
U395
U396
U400
U401
U402
U403
U404
U407
U409
U410
U411

- b) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
c) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:

D018
D019
D020
D021
D022
D023

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D024
D025
D026
D027
D028
D029
D030
D031
D032
D033
D034
D035
D036
D037
D038
D039
D040
D041
D042
D043

- d) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

D001
D002
D003

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 738.120 Petitions to Allow Injection of a Prohibited Waste

- a) Any person seeking an exemption from a prohibition under Subpart B for the injection of a restricted hazardous waste into an injection well or wells, including a hazardous waste that exhibits a characteristic of hazardous waste and which contains underlying hazardous constituents at the point of generation, but which no longer exhibits a characteristic of hazardous waste when injected into a Class I injection well or wells, shall submit a petition for an adjusted standard to the Board, pursuant to 35 Ill. Adm. Code 106. Subpart C, demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing that:

- 1) The hydrogeological and geochemical conditions at the site(s) and the physiochemical nature of the waste stream(s) are such that

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reliable predictions can be made that:

A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years:

- i) Vertically upward out of the injection zone; or
- ii) Laterally within the injection zone to a point of discharge or interface with an Underground Source of Drinking Water (USDW) as defined in 35 Ill. Adm. Code 730; or

B) Before the injected fluids migrate out of the injection zone or to a point of discharge or interface with USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions or other means; and

2) For each well the petition has:

A) Demonstrated that the injection well's area of review complies with the substantive requirements of 35 Ill. Adm. Code 730.163;

B) Located, identified, and ascertained the condition of all wells within the injection well's area of review (as specified in 35 Ill. Adm. Code 730.163) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Board that meets the substantive requirements of 35 Ill. Adm. Code 730.164;

C) Submitted a corrective action plan that meets the substantive requirements of 35 Ill. Adm. Code 730.164, the implementation of which shall become a condition of any adjusted standard granted; and

D) Submitted the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Board may require the owner or operator to perform the tests again and submit the results of the new tests.

BOARD NOTE: The requirements of subsection (a)(2) need not be incorporated in a permit at the time the Board grants an adjusted standard.

b) A demonstration under subsection (a)(1)(A) must identify the strata within the injection zone which will confirm fluid movement above the injection interval and include a showing that this strata is free of known transmissive faults of fractures and that there is a confining zone above the injection zone.

c) A demonstration under subsection (a)(1)(B) must identify the strata within the injection zone where waste transformation will be accomplished and include a showing that this strata is free of known

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transmissive faults or fractures and that there is a confining zone above the injection zone.

d) A demonstration may include a showing that:

- 1) Treatment methods that reduce the toxicity or mobility of the wastes, the implementation of which will become a condition or any adjusted standard, must be utilized; or
- 2) A monitoring plan, the implementation of which will become a condition of any adjusted standard, must be utilized to enhance confidence in one or more aspects of the demonstration.

e) Any person that who has been granted an adjusted standard pursuant to this Section may submit a petition for reissuance of the adjusted standard to include an additional restricted waste or wastes or to modify any conditions placed on that adjusted standard by the Board. The Board will reissue the adjusted standard if the petitioner complies with subsections (a), (b) and (c).

f) Any person that who has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional (hazardous) waste or wastes. The Board may grant the modification if it determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

BOARD NOTE: Derived from 40 CFR 148.20 (1996 1988) 7-as-added-at-53 Fed-Reg--281557-July-267-1988.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General

- 2) Code citation: 35 Ill. Adm. Code 720

- 3) Section numbers:
720.102 Proposed action:
720.111 Amended
Amended

- 4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal Action Summary

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- August 14, 1995
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Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

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- November 13, 1995
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Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- December 11, 1995
(61 Fed. Reg. 63417)
- Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."
- February 9, 1996
(61 Fed. Reg. 4903)
- Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.
- March 15, 1996
(61 Fed. Reg. 10684)
- Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.
- March 26, 1996
(61 Fed. Reg. 13103)
- Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.
- April 8, 1996
(61 Fed. Reg. 15596)
- Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.
- April 8, 1996
(61 Fed. Reg. 15662)
- Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.
- April 12, 1996
(61 Fed. Reg. 16309)
- Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.
- April 30, 1996
(61 Fed. Reg. 19117)
- Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.
- June 5, 1996
(61 Fed. Reg. 28508)
- Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.
- June 28, 1996
(61 Fed. Reg. 33680)
- Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.
- June 28, 1996
(61 Fed. Reg. 33691)
- Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.
- The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 720 add a certain elements from the USEPA amendments relating to the OECD requirements for international shipments of hazardous waste for recycling, and they add and update a number of incorporations by reference.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.
Section 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The greater, multi-part rulemaking of which the amendments to Part 720 is a segment include amendments to incorporations by reference. The amendments to Part 720 include numerous additions and amendments to those incorporations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The amendments add a provision from the OECD requirements for international shipments of hazardous waste relating to the confidentiality of business information, and they update or add several incorporations by reference.

- B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The amendments add a provision from the OECD requirements for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

international shipments of hazardous waste relating to the confidentiality of business information, and they update or add several incorporations by reference.

- C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed

POLLUTION CONTROL BOARD

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Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM E926-88 C, Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analysis of Metals,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Bomb-Acid Digestion Method, approved March 35, 1988.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), III (August, 1993), and IIB (January, 1995) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

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"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO12 Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1996 1994)

40 CFR 51.100(ii) (1996 1994)

40 CFR 51, Subpart W (1996 1994)

40 CFR 52.741, Appendix B (1996)

40 CFR 60 (1996 1994) ~~7-83-amended-at-59-Red-Reg-62924-(Dec-67 1994)~~

40 CFR 61, Subpart V (1996 1994)

40 CFR 136 (1996 1994) ~~7-83-amended-at-68-Red-Reg-17160-(Apr-47 1995)~~

40 CFR 142 (1996 1994)

40 CFR 220 (1996 1994)

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40 CFR 260.20 (1996 1994)

40 CFR 264 (1996 1994)

40 CFR 268, Appendix IX (1996 1994)

40 CFR 302.4, 302.5 and 302.6 (1996 1994)

40 CFR 761 (1996 1994)

49 CFR 178 (1996 1994)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. Sections 321(v), 321 (w) and 512(j)), as amended through October 25, 1994.

- d) This Section incorporates no later editions or amendments.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Identification and Listing of Hazardous Waste2) Code Citation: 35 Ill. Adm. Code 721

3) Section Numbers: Proposed Action:
 721.104, 721.105, 721.106 Amended
 721.132, 721.133, 721.App. G Amended
 721.App. H Amended

4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 275) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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 (61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
 (61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in Dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 12, 1996
(61 Fed. Reg. 16309)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

April 30, 1996
(61 Fed. Reg. 19117)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 5, 1996
(61 Fed. Reg. 28508)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33680)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule.

June 28, 1996
(61 Fed. Reg. 33691)

USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

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need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 721 incorporate the exemption of recycled oil from the definition of solid waste; the limitations on the conditionally exempt small quantity generator exemption; and certain aspects of the Subpart CC rules amendments, the OECD international shipping requirements, and the Phase III LDRs and carbamate waste amendments.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this

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proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agveman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 721 incorporate the exemption of recycled oil from the definition of solid waste; the limitations on the conditionally exempt small quantity generator exemption; and certain aspects of the Subpart CC rules amendments, the OECD international shipping requirements, and the Phase III LDRs and carbamate waste amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 721 incorporate the exemption of recycled oil from the definition of solid waste; the limitations on the conditionally exempt small quantity generator exemption; and certain aspects of the Subpart CC rules amendments, the OECD international shipping requirements, and the Phase III LDRs and carbamate waste amendments.

C) Types of professional skills necessary for compliance: Compliance

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with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

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721.135 Wood Preserving Wastes

APPENDIX A	Representative Sampling Methods
APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX C	Chemical Analysis Test Methods
TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX G	Basis for Listing Hazardous Wastes
APPENDIX H	Hazardous Constituents
APPENDIX I	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended

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in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- e) "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:

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- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood.
 - 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
 - 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
 - 12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) at or before a point (other than direct insertion into a coker) where contaminants are removed along-with-normal-process-streams prior-to-crude-distillation-or-catalytic-cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration, and production, and from transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from

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oil and gas drilling operations, and oil recovered from waste removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous waste listed in 721- Subpart D of this Part (e.g., K048 through K052, F037, and F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste, and
- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, -- U.S. --, 114 S. Ct. 1588 (1994), that this exclusion and RCRA section 3001(i) (42 U.S.C. 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under 721- Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops, or

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- B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
 - 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
 - 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or which are listed in 721- Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes that meet the standard in subsection (b)(6)(A) above (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, hair through-the-blue; and
- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing

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industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

- v) Wastewater treatment sludges generated by the following

subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank, and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:

- A) Slag from primary copper processing,
- B) Slag from primary lead processing,
- C) Red and brown muds from bauxite refining,
- D) Phosphogypsum from phosphoric acid production,
- E) Slag from elemental phosphorus production,
- F) Gasifier ash from coal gasification,
- G) Process wastewater from coal gasification,
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing,
- I) Slag tailings from primary copper processing,
- J) Fluorogypsum from hydrofluoric acid production,

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K) Process wastewater from hydrofluoric acid production,
L) Air pollution control dust or sludge from iron blast furnaces,

M) Iron blast furnace slag,

N) Treated residue from roasting and leaching of chrome ore,
O) Process wastewater from primary magnesium processing by the anhydrous process,

P) Process wastewater from phosphoric acid production,

Q) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production,

R) Basic oxygen furnace and open hearth furnace slag from carbon steel production,
S) Chloride processing waste solids from titanium tetrachloride production, and

T) Slag from primary zinc smelting.

- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only), and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terrestrial oil filters that are not mixed with wastes listed in 721- Subpart D of this part, if these oil filters have been gravity hot-drained using one of the following methods:

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crusing;
- C) Dismantling and hot-draining; or
- D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

- c) Hazardous wastes that are exempted from certain regulations. A

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hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing;
- B) The sample is being transported back to the sample collector after testing;
- C) The sample is being stored by the sample collector before transport to a laboratory for testing;
- D) The sample is being stored in a laboratory before testing;
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill, or

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vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) below, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector;
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) below are met.

i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

ii) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number

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of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study;
- iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) and (e)(2)(B) above and (f)(4) below, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:

A) In response to requests for authorization to ship, store, and conduct further treatability studies in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze

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alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) above are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) above. The generator or sample collector shall apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) Final Agency determinations pursuant to this subsection may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) below are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through

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(f)(11) below apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;
- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;

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C) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
- B) The types (by process) of treatability studies conducted;
- C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted; and
- G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption above.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.

b) Except for those wastes identified in subsections (e), (f), (g) and (j) below, a conditionally exempt small quantity generator's hazardous

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wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) below.

- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:
- 1) Hazardous waste that is except from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of 35 Ill. Adm. Code 726.Subpart G; and
 - 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:

- 1) Hazardous waste when it is removed from on-site storage; or
- 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or
- 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

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f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) above to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
 - 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) above, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
 - 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment, storage, or disposal facility, either of which, if located in ~~provided--that--if the on-site or off-site facility is located in the United States, meets its--fills~~ any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal or industrial solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 817 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;
- FE) The facility is a facility that:
- i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- GF) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill.

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g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site ~~storage~~ treatment, storage, or disposal facility, either of which, if located in provided-that ~~if-the-on-site-or-off-site-facility-is-located-in~~ the United States, ~~meets it-fulfills~~ any of the following conditions:

- A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
- B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
- C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA under 40 CFR 271 (1986);
- D) The facility is permitted, licensed, or registered by a state to manage municipal ~~or-industrial~~ solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 817 or 40 CFR 258;
- E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

FB) The facility is a facility that:

- i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
- ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or

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GF) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) below, except for the materials listed in subsections (a)(2) and (a)(3) below. Hazardous wastes that are recycled will be known as "recyclable materials".
- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H);
 - C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
 - D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of Section

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3010 of the Resource Conservation and Recovery Act:

A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:

i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E; and shall provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, shall ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and shall ensure that it is delivered to the facility designated by the person initiating the shipment;

B) Scrap metal;

C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

D) Petroleum refining wastes.

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel

meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

E) Petroleum coke produced from petroleum refinery hazardous wastes containing oil by the same person that generated the wastes unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 721.Subpart C.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of 35 Ill. Adm. Code 722.Subpart H if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724.Subparts A through L, AA, and BB, and CC; and 725.Subparts A through L, AA, and BB, and CC; 726; 728; and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above. (The recycling process itself is exempt from regulation, except as provided in subsection (d) below.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) above:

A) Notification requirements under Section 3010 of the Resource

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- Conservation and Recovery Act,
 B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and
 C) Subsection (d) below.

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.Subparts AA and BB and 725.Subparts AA and BB.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste From Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Organic Chemicals:

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of carboxylic acid 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K160	Solids--(including--filter--wastes--separation--solids--and--spent--catalysts)--from--the--production--of--thiocarbamates--and--solids--from--the--treatment--of--thiocarbamate--wastes--	(T) (T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R,T)

Inorganic Chemicals:

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
	Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
	Explosives:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
	Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
Primary Copper:		
K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
Primary Lead:		
K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
Primary Zinc:		
K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	
BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.		
Primary Aluminum		

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Spent potliners from primary aluminum reduction.		
K088		(T)
Ferroalloys:		
K090	Emission control dust or sludge from ferrochromium/silicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	
BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.		
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.	(T)
Coking:		

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- K060 Ammonia still lime sludge from coking operations. (T)
- K087 Decanter tank tar sludge from coking operations. (T)
- K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations). (T)
- K142 Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal. (T)
- K143 Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal. (T)
- K144 Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal. (T)
- K145 Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal. (T)
- K147 Tar storage tank residues from coal tar refining. (T)
- K148 Residues from coal tar distillation, including but not limited to, still bottoms. (T)
- K149 Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
- K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
- K151 Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) below.
- Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) below.
- Any residue remaining in a container or inner liner removed from a manufacturing commercial intermediate having the generic name listed in subsection (e) or (f) below, unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) below, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) below.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial

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or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) below. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) below, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) above, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound only is listed for acute toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H[3]A[s]0[4]
P012	1327-53-3	Arsenic oxide As[2]0[3]
P011	1303-28-2	Arsenic oxide As[2]0[5]
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P036	696-28-6	Arsinous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha, alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, 0-[methylamino]carbonyl oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN)[2]
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]-methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanides
P029	544-92-3	Copper cyanide CuCN
P029	544-92-3	m-Cumenyl methylcarbamate
P030	64-00-6	Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Diethrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8beta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-
3,4,5,6,9,9-		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P044	60-51-5	7alpha)-, and metabolites
P046	122-09-8	Dimethoate
P047	534-52-1*	alpha, alpha-Dimethylphenethylamine
P048	51-28-5	4,6-Dinitro-o-cresol and salts
P020	88-85-7	2,4-Dinitrophenol
P085	152-16-9	Dinoseb
P111	107-49-3	Diphosphoramide, octamethyl-
P039	298-04-4	Diphosphoric acid, tetraethyl ester
P049	541-53-7	Disulfoton
P185	26419-73-8	Dithiobiuret
P050	115-29-7	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)- carbonyl]-oxime
P088	145-73-3	Endosulfan
P051	72-20-8	Endothall
P042	51-43-4	Endrin, and metabolites
P031	460-19-5	Epinephrine
P194	23135-22-0	Ethanedinitrile
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P101	107-12-0	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P054	151-56-4	Ethyl cyanide
P097	52-85-7	Ethyleneimine
P056	7782-41-4	Famphur
P057	640-19-7	Fluorine
P058	62-74-8	Fluoroacetamide
P198	23422-53-9	Fluoroacetic acid, sodium salt
P197	17702-57-7	Formetanate hydrochloride
P065	628-86-4	Formetanate
P059	76-44-8	Fulminic acid, mercury (2+) salt (R,T)
P062	757-58-4	Heptachlor
P116	79-19-6	Hexaethyl tetraphosphate
P068	60-34-4	Hydrazinecarbothioamide
P063	74-90-8	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P096	7803-51-2	Hydrogen cyanide
P060	465-73-6	Hydrogen phosphide
P060	465-73-6	Isodrin

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-0)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis(chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	[[Methanimide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyloxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyloxy]phenyl]-
P199	2032-65-7	Methiocarb
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-
P059	76-44-8	hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P066	16752-77-5	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-
P068	60-34-4	3a,4,7,7a-tetrahydro-
P064	624-83-9	Methomyl
P069	75-86-5	Methyl hydrazine
P071	298-00-0	Methyl isocyanate
P190	1129-41-5	2-Methylactonitrile
P129	315-8-4	Methyl parathion
P072	86-88-4	Metolcarb
P073	13463-39-3	Mexacarbate
P073	13463-39-3	alpha-Naphthylthiourea
P074	557-19-7	Nickel carbonyl
P074	557-19-7	Nickel carbonyl NiCO[4], (T-4)-
P075	54-11-5*	Nickel cyanide
P076	10102-43-9	Nickel cyanide Ni(CN)[2]
P077	100-01-6	Nicotine, and salts
P078	10102-44-0	Nitric oxide
		p-Nitroaniline
		Nitrogen dioxide

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO[2]
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide O[s]O[4], (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio))-methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O- dimethyl S-[2-(methylamino)- 2-oxoethyl]ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P089	56-38-2	Phosphorothioic acid, O,O-diethyl
P040	297-97-2	O-(4-nitrophenyl) ester
P097	52-85-7	Phosphorothioic acid, O,O-diethyl
		O-pyrazinyl ester
		Phosphorothioic acid, O,O-diethyl
		O-[4-[(dimethylamino)sulfonyl]]phenyl]
P071	298-00-0	0,0-dimethyl ester
		Phosphorothioic acid, 0,0-dimethyl
		0-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal,
		2-methyl-2-(methyl-sulfonyl)-,
		O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-,
		O-[(methylamino)carbonyl] oxime
		Propanal, 2-methyl-2-(methylthio)-,
		O-[(methylamino)carbonyl] oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-
		pyrrolidinyl)-, (S)-and salts
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol,
		1,2,3,3a,8,8a-
		hexahydro-1,3a,8-trimethyl-, methyl-
		carbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9*	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl[2]O[3]
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H[2]N)C(S)][2]NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P185	26419-73-8	Tirpate
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V[2] O [5]
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3%
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)[2]
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P122	1314-84-7	Zinc phosphide Zn[3]p[2], when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

Board Note: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

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f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) above, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
U394	30558-43-1	A2213
U365	2212-67-1	H-Acetipecine-1-carboethioic-acid hexahydro-7-S-ethyl-ester
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	P94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U280	101-27-9	-methoxy-5-methyl-, [1a-S-(1alpha,8beta,8alpha,8betaalpha)]-
U278	22781-23-3	Barban
U364	22961-82-6	Bendiocarb
U271	17804-35-2	Bendiocarb phenol
U157	56-49-5	Benomyl
U016	225-51-4	Benz[1]aceanthrylene, 1,2-dihydro-3-methyl-
U017	98-87-3	Benz(c)acridine
U192	23950-58-5	Benzal chloride
U018	56-55-3	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U094	57-97-6	Benz(a)anthracene
U012	62-53-3	Benz(a)anthracene, 7,12-dimethyl-
U014	492-80-8	Benzenamine (I,T)
U049	3165-93-3	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl-4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, 4-chloro-2-methyl-, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro
U019	71-43-2	Benzenamine (I,T)
U038	510-15-6	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)- alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzenene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-bis(2-chloroethyl)amino]-
U037	108-90-7	Benzenene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester

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NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro-(I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	506-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U070	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	P81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[<i>a</i>]pyrene
U248	P81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[<i>a</i>]pyrene
U197	106-51-4	p-Benzquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U461	97-74-5	Bis[4-methylthiocarbamoyl]-sulfide
U466	120-54-7	Bis(pentamethylene)thiuram-tetrasulfide
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[alpha(Z), 7alpha]]-7(2S*,3R*), 7alpha]]-n-Butyl alcohol (I)
U031	71-36-3	n-Butyl alcohol (I)
U992	2088-41-5	Butylate
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [1-[(butylamino)-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
B375	55486-53-6	carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
B379	136-90-1	Carbamodithioic acid, dibutyl-, sodium salt
B277	95-86-7	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester
B381	148-18-5	Carbamodithioic acid, diethyl-, sodium salt
B383	128-83-0	Carbamodithioic acid, dimethyl, potassium salts
B382	128-84-1	Carbamodithioic acid, dimethyl-, sodium salt
B376	144-34-3	Carbamodithioic acid, dimethyl-, tetra-anhydrosulfide with orthoethoselenious acid
U114	Pl11-54-6	Carbamodithioic acid, 1,2-ethanedithiol-, salts and esters
B378	5126-28-9	Carbamodithioic acid, -thioxy-methyl-, methyl-, 7-monopotassium salt
B384	137-42-8	Carbamodithioic acid, methyl-, 7-mono-sodium salt
B377	137-41-7	Carbamodithioic acid, methyl-, 7-mono-potassium salt
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-,

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Hazardous Waste No.	Chemical Abstracts No.	Substance
B392	2888-41-5	S-(2,3,3-trichloro-2-propenyl) ester
B391	1114-71-2	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester
B386	1134-23-2	Carbamothioic acid, butylethyl-, 9-propyl ester
B390	759-94-4	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
B385	1229-77-7	Carbamothioic acid, dipropyl-, S-propyl ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chloroethane, alpha and gamma isomers
U026	494-03-1	Chloronaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H[2C(r)O[4], calcium salt
U050	218-01-9	Chrysene
B393	137-29-1	Copper, bis(dimethylcarbamodithioate)-, S, S'-
B393	137-29-1	Copper, dimethyldithiocarbamate
U051		Cresote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U246	506-68-3	Cyanogen bromide CNBr
U386	1134-23-2	Ectoate
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene,
		1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	P94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U366	533-74-4	Bezomet
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzof[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2,3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N-Diethylhydrazine
U087	3288-58-2	
		0,0-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosofarole

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,
		alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbonyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U403	97-77-0	Disulfideam
U441	106-89-8	Epichlorohydrin
U390	759-94-4	EPPE
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine,
		N,N-dimethyl-N'-2-pyridinyl
		-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane,
		1,1'-(methylenebis(oxy))bis(2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidiothioic acid, N,N'-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U394	30558-43-1	[thiobis-[(methylimino)carbonyloxy]] bis-, dimethyl ester
U359	110-80-5	Ethanimidiothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U173	1116-54-7	Ethanol, 2-ethoxy-
U395	5952-26-1	Ethanol, 2,2'-(nitrosoimino)bis-
U004	98-86-2	Ethanol, 2,2'-oxybis-, dicarbamate
U043	75-01-4	Ethanone, 1-phenyl-
U042	110-75-8	Ethene, chloro-
U078	75-35-4	Ethene, (2-chloroethoxy)-
U079	156-60-5	Ethene, 1,1-dichloro-
U210	127-18-4	Ethene, 1,2-dichloro-, (E)-
U228	79-01-6	Ethene, tetrachloro-
U112	141-78-6	Ethene, trichloro-
U113	140-88-5	Ethyl acetate (I)
U238	51-79-6	Ethyl acrylate (I)
U117	60-29-7	Ethyl carbamate (urethane)
U114	Pl11-54-6	Ethyl ether
U067	106-93-4	Ethylenebis dithiocarbamic acid, salts and esters
U077	107-06-2	Ethylene dibromide
U359	110-80-5	Ethylene dichloride
U115	75-21-8	Ethylene glycol monoethyl ether
U116	96-45-7	Ethylene oxide (I,T)
U076	75-34-3	Ethylene thiourea
U118	97-63-2	Ethylidene dichloride
U119	62-50-0	Ethyl methacrylate
U407	14324-55-1	Ethyl methanesulfonate
U396	14404-64-1	Ethyl-3-ram
U120	206-44-0	Perbam
U122	50-00-0	Fluoranthene
U123	64-18-6	Formaldehyde
U124	110-00-9	Formic acid (C,T)
U125	98-01-1	Furan (I)
U147	108-31-6	2-Furancarboxaldehyde (I)
U213	109-99-9	2,5-Furandione
U125	98-01-1	Furan, tetrahydro- (I)
U124	110-00-9	Furfural (I)
U206	18883-66-4	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2- (3-methyl-3-nitrosoirido)-, D-
		(3-methyl-3-nitrosoirido)-, D-
		D-Glucose,
		2-deoxy-2-[(methylnitrosoamino)-carbonylamino]-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine,
		N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H[2]S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U375	55406-53-6	3-Iodo-2-propynyl-n-butylcarbamate
U396	14404-64-1	irony-trisdimethylcarbamodithioato- S7S1+
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepon
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-0)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U394	137-42-8	Metam-Sodium
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chloroacetate (I,T)
U226	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U101	50-07-7	Mitomycin C
U365	2212-67-1	Mofinate
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexapyranosyl]oxyl]-

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NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U167	134-32-7	7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U168	91-59-8	1-Naphthalenamine
U026	494-03-1	2-Naphthalenamine
		Naphthaleneamine,
		N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-[1,1'-biphenyl]-4,4'-diyl) bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodietanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U391	1114-71-2	Pebutate
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	pentachlorophenol

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol
U411	114-26-1	2,2'-methylenebis[3,4,6-trichloro-phenol, 2-(1-methylethoxy)-, methyl-carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine,
U145	7446-27-7	4-[bis(2-chloroethyl)amino]-phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S- methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	2-Picoline
U191	109-06-8	Piperidine, 1-nitroso-
U179	100-75-4	Piperidine, 1,1,4,4-tetrathiodicarbonyl-bis-
U400	120-54-7	Potassium-dimethyldithiocarbamate
U303	128-03-0	Potassium-n-hydroxymethyl-n-methyldithiocarbamate
U370	51026-20-9	Potassium-n-methyldithiocarbamate
U377	137-41-7	Pronamide
U192	23950-58-5	1-Propanamine (I,T)
U194	107-10-8	1-Propanamine, N-nitroso-N-propyl-
U111	621-64-7	1-Propanamine, N-propyl- (I)
U110	142-84-7	Propane, 1,2-dibromo-3-chloro-
U066	96-12-8	Propane, 1,2-dichloro-
U083	78-87-5	Propanedinitrile
U149	109-77-3	Propane, 2-nitro- (I,T)
U171	79-46-9	
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propanenitrile
U152	126-98-7	2-Propanenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propanoic acid (I)
U113	140-88-5	2-Propanoic acid, ethyl ester (I)
U118	97-63-2	2-Propanoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propanoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid,
U194	107-10-8	2-(2,4,5-trichlorophenoxy)-n-propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-bis(2-chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide S[e]S[2] (R,T)
U376	144-34-3	Selenium-tetrakis(dimethyldithio-carbamate)

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propanenitrile
U152	126-98-7	2-Propanenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propanoic acid (I)
U113	140-88-5	2-Propanoic acid, ethyl ester (I)
U118	97-63-2	2-Propanoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propanoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid,
U194	107-10-8	2-(2,4,5-trichlorophenoxy)-n-propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-bis(2-chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide S[e]S[2] (R,T)
U376	144-34-3	Selenium-tetrakis(dimethyldithio-carbamate)

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U379	136-30-1	Sodium-diethylidithiocarbamate
U381	148-10-5	Sodium-diethylidithiocarbamate
U382	128-04-1	Sodium-dimethyldithiocarbamate
U206	18883-66-4	Streptozotocin
U277	95-06-7	Sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U492	1634-02-2	tetrabutylthiuram-disulfide
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U491	97-74-5	tetramethyithiuram-monosulfide
U366	533-74-4	2H-1735-Thiadiazine-
		2-thione-tetrahydro-3,5-dimethyl-
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride HCl
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U402	1634-02-2	thioperoxydicarbonyl-diamide
		tetrabutyl
U403	97-77-0	thioperoxydicarbonyl-diamide
		tetraethyl
U244	137-26-8	thioperoxydicarbonyl diamide
		[(H[2]N)C(S)][2]S[2], tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracyl mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U305	1929-77-7	Vernolate
U043	75-01-4	Vinyl chloride
U248	P81-81-2	Warfarin, and salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester,
		(3beta,16beta,17alpha,18beta,20alpha)-2,3,4,5-tetraethoxy-18beta,20alpha-dithioate-S-S-
U407	14324-55-1	Zinc phosphide Zn[3P[2], when present at concentrations of 10% or less
U249	1314-84-7	

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 721.APPENDIX G Basis for Listing Hazardous Wastes

EPA
hazardous
waste No.

Hazardous constituents for which listed

F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.

F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.

F003 N.A.

F004 Cresols and cresylic acid, nitrobenzene.

F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.

F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).

F007 Cyanide (salts).

F008 Cyanide (salts).

F009 Cyanide (salts).

F010 Cyanide (salts).

F011 Cyanide (salts).

F012 Hexavalent chromium, cyanide (complexed).

F019 Hexavalent chromium, cyanide (complexed).

F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.

F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.

F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.

F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.

F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1, 1-dichloroethane, 1, 2-dichloroethane, trans-1, 1, 2-dichloroethylene, 1, 1, 1-trichloroethylene, 1, 1, 2-trichloroethane, trichloroethylene, 1, 1, 1, 2-tetrachloroethane, 1, 1, 2, 2-tetrachloroethane, 1, 1, 2, 2, 2-pentachloroethane, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1, 3-butadiene, hexachloro-1, 3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1, 2, 4-trichlorobenzene,

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NOTICE OF PROPOSED AMENDMENTS

Hazardous constituents for which listed

EPA
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F025 tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.

Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethane; 1,1,1-trichloroethane; 1,1,2-trichloroethane; 1,1,2,2-tetrachloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; allyl tetrachloroethylene; pentachloroethane; hexachloroethane; 2-chloro-1,3-butadiene; dichloropropane; dichloropropene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.

F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.

F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.

F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.

F032 Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.

F034 Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic, chromium.

F035 Arsenic, chromium and lead.

F037 Benzene, benzo(a)pyrene, chrysene, lead, chromium.

F038 Benzene, benzo(a)pyrene, chrysene, lead, chromium.

F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728. Table B (Constituent Concentrations in Waste).

K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a)anthracene, acenaphthalene.

K002 Hexavalent chromium, lead.

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Hazardous constituents for which listed

K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrithloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane, 1,1,1,2-tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane, 1,1,1,2-tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.

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Hazardous constituents for which listed

K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phosphate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phosphate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).

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NOTICE OF PROPOSED AMENDMENTS

EPA hazardous waste No. Hazardous constituents for which listed

K090 Chromium.
K091 Chromium.
K093 Phthalic anhydride, maleic anhydride.
K094 Phthalic anhydride.
K095 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane,
1,1,2,2-tetrachloroethane.
K096 1,2-dichloroethane, 1,1,1-trichloroethane,
1,1,2-trichloroethane.
K097 Chloroethane, heptachlor.
K098 Toxaphene.
K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100 Hexavalent chromium, lead, cadmium.
K101 Arsenic.
K102 Arsenic.
K103 Aniline, nitrobenzene, phenylenediamine.
K104 Aniline, benzene, diphenylamine, nitrobenzene,
phenylenediamine.
K105 Benzene, monochlorobenzene, dichlorobenzenes,
2,4,6-trichlorophenol.
K106 Mercury.
K111 2,4-Dinitrotoluene.
K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114 2,4-Toluenediamine, o-toluidine, p-toluidine.
K115 2,4-Toluenediamine.
K116 Carbon tetrachloride, tetrachloroethylene,
chloroform, phosgene.
K117 Ethylene dibromide.
K118 Ethylene dibromide.
K123 Ethylene thiourea.
K124 Ethylene thiourea.
K125 Ethylene thiourea.
K126 Ethylene thiourea.
K131 Dimethyl sulfate, methyl bromide.
K132 Methyl bromide.
K136 Ethylene dibromide.
K141 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,
benzo(k)fluoranthene, dibenz(a,h)anthracene,
indeno(1,2,3-cd)pyrene.
K142 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,
benzo(k)fluoranthene, dibenz(a,h)anthracene,
indeno(1,2,3-cd)pyrene.
K143 Benzene, benz(a)anthracene, benzo(b)fluoranthene,
benzo(k)fluoranthene.

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EPA hazardous waste No. Hazardous constituents for which listed

K144 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,
benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145 Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)
anthracene, naphthalene.
K147 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,
benzo(k)fluoranthene, dibenz(a,h)anthracene,
indeno(1,2,3-cd)pyrene.
K148 Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,
benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K149 Benzotrichloride, benzyl chloride, chloroform, chloromethane,
chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene,
pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150 Carbon tetrachloride, chloroform, chloromethane,
1,4-dichlorobenzene, hexachlorobenzene, pentachloroethane,
1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane,
tetrachloroethylene, 1,2,4-trichlorobenzene.
K151 Benzene, carbon tetrachloride, chloroform, hexachlorobenzene,
pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene,
tetrachloroethylene.
K156 Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan,
formaldehyde, methylene chloride, triethylamine.
K157 Carbon tetrachloride, formaldehyde, methyl chloride, methylene
chloride, pyridine, triethylamine.
K158 Benomyl, carbendazim, carbofuran, carbosulfan, chloroform,
methylene chloride.
K159 Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K160 Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161 Antimony, arsenic, metam-sodium, ziram.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluorene-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, 0-[(methylamino)carbonyl] oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-, 1-alpha, 4-alpha 4a-beta, 5-alpha, 8-alpha 8a-beta)-2-Propen-1-ol	309-00-2	P004
Allyl alcohol	1-Propene, 3-chloro-	107-18-6	P005
Allyl chloride	Same	107-18-6	
Aluminum phosphide	[1,1'-Biphenyl]-4-amine	20859-73-8	P006
4-Aminobiphenyl	Same	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amirole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U119
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S.			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Aramite	Sulfurous acid, 2-(4-chloroethyl-, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S	Arsenic acid H[3]AsO[4]	7778-39-4	P010
Arsenic acid	Arsenic oxide As[2]O[5]	1303-28-2	P011
Arsenic pentoxide	Arsenic oxide As[2]O[3]	1327-53-3	P012
Arsenic trioxide	Benzenamine, 4,4'-carbonimidoylbis[N, N-dimethyl-	492-80-8	U014
Auramine	L-Serine, diazoacetate (ester)	115-02-6	U015
Azaserine	Carbamic acid, (3-chloro-phenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Barban	Same	7440-39-3	
Barium	Same		
Barium compounds, N.O.S.	Same		
Barium cyanide	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	542-62-1	P013
Bendiocarb	Same	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol-2,2-dimethyl-, carbamic acid, [1-(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	22961-82-6	U364
Benomyl	Same	17804-35-2	U271
Benz[c]acridine	Same	225-51-4	U016
Benz[a]anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U018
Benzenearsonic acid	Arsenic acid, phenyl-[1,1'-Biphenyl]-4,4'-diamine	98-05-5	U021
Benidine	Same	92-87-5	
Benzo[b]fluoranthene	Benz[e]acephenanthrylene	205-99-2	
Benzo[j]fluoranthene	Same	205-82-3	
Benzo[k]fluoranthene	Same	207-08-9	
Benzo[a]pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrichloride	Benzene,	98-07-7	U023

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Benzyl chloride	(trichloromethyl)-benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bis(dibutylcarbamothioate)-dioxodimolybdenum--sulfurized	Molybdenum--bis(dibutylcarbamothioate)-dioxodi-7-sulfurized	60412-26-0	U989
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetra-thiodicarbonothioyl)-bis-	120-54-7	U400
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene	101-55-3	U030
Brucine	1-bromo-4-phenoxy	357-57-3	P018
Butylate	Strychnidin-10-one, 2,3-dimethoxy-	2008-41-5	U992
Butyl benzyl phthalate	Carbamothioic acid, bis-(2-methylpropyl)-, S-ethyl ester	85-68-7	
Cacodylic acid	1,2-Benzenedicarboxylic acid, butyl	75-60-5	U136
Cadmium	phenylmethyl ester	7440-43-9	
Cadmium compounds, N.O.S.	Arsenic acid, dimethyl-		
Calcium chromate	Same		
Calcium cyanide	Chromic acid H[2]CrO[4], calcium salt	13765-19-0	U032
Carbaryl	Calcium cyanide Ca(CN)[2]	592-01-8	P021
Carbendazim	1-Naphthalenol, methyl-carbamate	63-25-2	U279
Carbofuran	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbosulfan	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	1563-38-8	U367
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanolic acid 4-[bis(2-chloroethyl)amino]-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazine	Naphthalenamine, N,1-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	66-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile,	542-76-7	P027

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Chromium	3-chloro-	7440-47-3	
Chromium compounds, N.O.S.	Same		
Chrysene	Same	218-01-9	U050
Citrus red No. 2	Same	6358-53-8	
	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-		
	Same		
Coal tar creosote	Copper cyanide CuCN	8007-45-2	
Copper cyanide	Copper, bis(dimethyl-carbamodithioato-S,S')-,	544-92-3	P029
Copper dimethyldithiocarbamate	Same	137-29-1	H999
Creosote	Phenol, methyl-		U051
Cresols (Cresylic acid)	2-Butenal	1319-77-3	U052
Crotonaldehyde	Phenol, 3-(methyl-ethyl)-, methyl carbamate	4170-30-3	U053
m-Cumenyl methylcarbamate		64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	H996
2-Cyclohexyl-4, 6-dinitrophenol	Phenol, 2-cyclohexyl-4, 6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2-Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daucomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]	20830-81-3	U059

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
	-7,8,9,10-tetrahydro-6, 8,11-trihydroxy-1-methoxy-, 8S-cis)-		
	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	H966
	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	72-54-8	U060
	Benzene 1,1'-(4-chloroethenylidene)bis(4-chloro-	72-55-9	
	Benzene, 1, 1'-(2, 2-trichloroethylidene)bis(4-chloro-		
	Carbamothioic acid, bis(1-methylethyl)-, S-(2, 3-dichloro-2-propenyl) ester	2303-16-4	U062
	Same	226-36-8	
	Same	224-42-0	
	Same	53-70-3	U063
	Same	194-59-2	
	Same	192-65-4	
	Naphtho[1,2,3, 4-def]chrysene		
	Dibenzo[a,h]pyrene	189-64-0	U064
	Dibenzo[b,def]chrysene	189-55-9	U066
	Benzo[rs]pentaphene	96-12-8	
	propane, 1,2-dibromo-3-chloro-		
	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
	Benzene, 1,2-dichloro-	95-50-1	U070
	Benzene, 1,3-dichloro-	541-73-1	U071
	Benzene, 1,4-dichloro-	106-46-7	U072
	Benzene, dichloro-,	25321-22-6	
	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
	2-Butene, 1,4-dichloro-	764-41-0	U074
	Methane, dichlorodifluoro-	75-71-8	U075
	Dichloroethylene	25323-30-2	
	Ethene, 1,1-dichloro-	75-35-4	U078

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis(2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis(2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis(oxy)bis-	111-91-1	U024
	[2-chloro-		
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyl-arsine	Arsinous dichloride	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7,3,6-Dimethanonaphth [2,3-b]oxirene, 3,4, 5,6,9,9-hexachloro-1a, 2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a alpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester-	3288-58-2	U087
Diethyl-p-nitro-	Phosphoric acid, diethyl	311-45-5	P041

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
nitrophenyl phosphate	4-nitrophenyl ester		
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester-	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester-	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Disopropyl fluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester-	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
3,3'-Dimethoxy benzidine	[1,1'-Biphenyl] -4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylamino azobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	Benz-[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethyl benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
alpha,alpha-Dimethyl phenethylamine	Benzenethanamine, alpha, alpha-dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-111-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Dinitrobenzene, N.O.S.	Benzene, dinitro	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4, 6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4 -dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl	122-56-7	U109
Di-n-propyl nitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-84-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	U403
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
Dithiobiuret	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH	541-53-7	P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin-	2,7,3,6-Dimethanonaphth[2,3-b]oxirane,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a beta, 3 alpha, 6 alpha, 6a beta, 7 beta, 7a alpha)-,	72-20-8	P051
Endrin metabolites			
Epichlorohydrin	Oxirane, (chloromethyl)-1,2-Benzenediol,	106-89-8	P051
Epinephrine		51-43-4	U041

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
EPTC	4-(1-hydroxy-2-(methylamino)ethyl)-, (B)-Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	U990
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdiithio carbamic acid	Carbamodithioic acid, -1,2-ethanedithylbis-	111-54-6	U114
Ethylenebisdiithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine			P054
Ethylene oxide	Aziridine	151-56-4	U115
Ethylenethiourea	Oxirane	75-21-8	U116
	2-Imidazolidinethione	96-45-7	
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-, Same	14484-64-1	U996
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino)carbonyl]-oxy]phenyl]-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Malononitrile	dinitrile-		
Manganese dimethyldithiocarbamate	Propanedinitrile	109-77-3	U149
Melphalan	Manganese, bis(dimethylcarbamodithioato-S,S')-, L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	15339-36-3	P196
Mercury	Same	148-82-3	U150
Mercury compounds, N.O.S.		7439-97-6	U151
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	U984
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2 Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	U155
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032-65-7	P199
Metholmyl	Ethanimidithioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz[<i>j</i>]aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis[2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
2-Methylacetonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Hexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	Azirino[2', 3':3, 4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1a alpha, 8 beta, 8a alpha, 8b alpha)]-, 1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	50-07-7	U010
Molinate	Guanidine, N-methyl-N'-nitro-N-nitroso-Ethane, 1,1'-thiobis[2-chloro-	2212-67-1	U965
MNNG	Same	70-25-7	U163
Mustard gas	1,4-Naphthalenedione	505-60-2	U165
Naphthalene	1,4-Naphthalenedione	91-20-3	U165
1,4-Naphthoquinone	1-Naphthalenamine	130-15-4	U166
alpha-Naphthylamine	2-Naphthalenamine	134-32-7	U167
beta-Naphthylamine	Thiourea, 1-naphthalenyl-	91-59-8	U168
alpha-Naphthylthiourea	Same	86-88-4	P072
Nickel	Nickel compounds, N.O.S.	7440-02-0	
Nickel carbonyl	Nickel carbonyl	13463-39-3	P073
Nickel cyanide	Ni(CO)[4], (T-4)-Nickel cyanide	557-19-7	P074

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Nicotine	Ni(CN)[2] Pyridine, 3-(1)-methyl -2-pyrrolidinyl)-(S)-	54-11-5	P075
Nicotine salts	Nitrogen oxide NO	10102-43-9	P075
Nitric oxide	Benzenamine, 4-nitro	100-01-6	P076
p-Nitroaniline	Benzene, nitro	98-95-3	P077
Nitrobenzene	Nitrogen oxide NO[2]	10102-44-0	P078
Nitrogen dioxide	Ethanamine, 2-chloro-N- (2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard			
Nitrogen mustard, hydrochloride salt	Ethanamine, 2-chloro-N- (2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard N-oxide			
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170
2-Nitropropane	Propane, 2-nitro	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl- N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N- -nitroso	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl- N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl- N-nitroso	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-Methylurethane	Carbanic acid, methyl nitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethyl- vinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso	59-89-2	
N-Nitrosomornicotine	Pyridine, 3-(1-nitroso- 2-pyrrolidinyl)-(S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl -N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl- 5-nitro-	99-55-8	U181
Octamethyl pyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO[4], (T-4)	0816-12-0	P087
Oxamyl	Ethanimidothioic acid, 2- (dimethylamino-N-[[([methyl- amino)carbonyl]-oxy]-2- oxo-, methyl ester	23135-22- 0	P194
Paraldehyde	1,3,-Trioxane, 2,4,6-trimethyl	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-	56-38-2	P089
Pebulate	(4-nitrophenyl) ester Carboethioic acid, butyl- ethyl-, S-propyl ester	1114-71-2	U99t
Pentachlorobenzene	Benzene, pentachloro	608-93-5	U183
Pentachlorodibenzo -p-dioxins			
Pentachlorodibenzo- furans			
Pentachloroethane	Ethane, pentachloro	76-01-7	U184
Pentachloronitro- benzene (PCNB)	Benzene, pentachloro nitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro	87-86-5	See F027
Phenacetin	Acetamide, N- (4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
Phenylmercury acetate	Mercury, (acetato- O)phenyl	62-38-4	P092
Phenylthiourea	Thiourea, phenyl	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S.			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine Salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo-[2,3-b]indol-5-yl methyl-carbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.	Same	151-50-8	P098
Potassium cyanide	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	U989
Potassium dimethyldithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	U979
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	U977
Potassium n-methyldithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	506-61-6	P099
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	7778736	None
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	2631-37-0	P201
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	23950-58-5	U192
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	1120-71-4	U193
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	122-42-9	U373
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	114-26-1	U411
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	107-10-8	U194
n-Propylamine	1-Propanamine	107-19-7	P102
Propargyl alcohol	2-Propyn-1-ol	78-87-5	U083
Propylene dichloride	Propane, 1,2-dichloro-		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
1,2-Propylenimine	Aziridine, 2-methyl-4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	75-55-8 51-52-5	P067
Propylthiouracil	Carbamothioic acid, dipropyl-, S-(phenyl-methyl) ester	52888-80-9	U387
Prosulfocarb	Same	110-86-1 50-55-5	U196 U200
Pyridine	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl) oxy]-, methyl ester, (3 beta, 16 beta, 17 alpha, 18 beta, 20 alpha)-, 1,3-benzenediol	108-46-3 81-07-2	U201 U202
Resorcinol	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide		
Saccharin	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7 94-59-7 7782-49-2	U202 U203 U203
Saccharin salts	Same		
Safrole	Same		
Selenium	Selenious acid	7783-00-8	U204
Selenium compounds	Selenium sulfide	7488-56-4	U205
N.O.S.	Ses[2]		
Selenium dioxide	Carbamodithioic acid dimethyl-, tetrahydro-sulfide with orthothio-selenius acid	144-34-3	U976
Selenium sulfide	Same	630-10-4 7440-22-4	P103
Selenium, tetrakis (dimethyl-dithiocarbamate)	Silver		
Selenourea	Silver compounds, N.O.S.		
Silver	Silver cyanide	506-64-9	P104
Silver compounds, N.O.S.	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Silver cyanide	Sodium cyanide NaCN		
Silvex (2,4,5-TP)	Carbamodithioic acid, dibutyl-, sodium salt	143-33-9 136-30-1	P106 U979
Sodium cyanide	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	U981
Sodium dibutyldithiocarbamate	Carbamate		
Sodium diethyldithiocarbamate	carbamate		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.	Propane, 1,2,3-trichloro	25735-29-9	
1,2,3-Trichloropropane	Ethanamine, N,N-diethyl-	96-18-4	
Triethylamine	Phosphorothioic acid, O,O,O-triethyl ester	121-44-8	U404
O,O,O-Triethylphosphorothioate	Benzene, 1,3,5-trinitro-	126-68-1	
1,3,5-Trinitrobenzene	Aziridine, 1,1',1"-phosphinothioylidynetris-	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	1-Propanol, 2,3-dibromo-, phosphate (3:1)	52-24-4	
Tris(2,3-dibromopropyl) phosphate	2,7-Naphthalenedisulfonic acid, 3,3'-[3,3'-dimethyl [1,1'-biphenyl]-4,4'-	126-72-7	U235
Trypan blue		72-57-1	U236

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Uracil mustard	diyl)bis(azo))bis(5-amino-4-hydroxy-, tetrasodium salt	2056-25-9	U237
Vanadium pentoxide	2,4-(1H,3H)-pyrimidinedione, 5-[bis(2-chloroethyl)amino]-Vanadium oxide V[2]O[5]	66-75-1	
Vernolate	Carbamethioc acid, dipropyl-, S-propyl ester	1314-62-1	P120
Vinyl chloride	Ethene, chloro	1929-77-7	U385
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	75-01-4	U043
Warfarin	(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2	U248
Warfarin salts, when present at concentrations less than 0.3%	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%	81-81-2	P001
Warfarin salts, when present at concentrations greater than 0.3%	Zinc cyanide Zn(CN)[2]		U248
Zinc cyanide	Zinc phosphide P[2]Zn[3], when present at concentrations greater than 10%	557-21-1	P121
Zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations of 10% or less	1314-84-7	P122
Zinc phosphide	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- 3) Section numbers:
- | | |
|---------------------------|-------------------------|
| 725.112, 725.113, 725.171 | <u>Proposed action:</u> |
| 725.278, 725.331, 725.414 | Amended |
| 725.930, 725.933, 725.934 | Amended |
| 725.935, 725.950, 725.955 | Amended |
| 725.958, 725.964, 725.980 | Amended |
| 725.981, 725.983, 725.984 | Amended |
| 725.985, 725.986, 725.987 | Amended |
| 725.988, 725.989, 725.990 | Amended |
| 725.991 | Repealed |
| Appendix F | New Section |

- 4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the

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biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 2, 1995
(61 Fed. Reg. 39586)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 14, 1995
(61 Fed. Reg. 41817)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

August 28, 1995
(61 Fed. Reg. 44670)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

September 29, 1995
(61 Fed. Reg. 50426)

USEPA added whole effluent toxicity testing to the approved methods.

October 16, 1995
(61 Fed. Reg. 53529)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA Correction of hazardous waste delisting for restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 23, 1995
(61 Fed. Reg. 54311)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these

October 30, 1995
(61 Fed. Reg. 55202)

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wastes subject to more stringent regulations.

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

November 13, 1995
(61 Fed. Reg. 56952)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

December 11, 1995
(61 Fed. Reg. 63417)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

February 9, 1996
(61 Fed. Reg. 4903)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 15, 1996
(61 Fed. Reg. 10684)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

March 26, 1996
(61 Fed. Reg. 13103)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment

April 8, 1996
(61 Fed. Reg. 15596)

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standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of

April 8, 1996
(61 Fed. Reg. 15662)

April 12, 1996
(61 Fed. Reg. 16309)

April 30, 1996
(61 Fed. Reg. 19117)

June 5, 1996
(61 Fed. Reg. 28508)

June 28, 1996
(61 Fed. Reg. 33680)

June 28, 1996
(61 Fed. Reg. 33691)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
Emergency extension of the national capacity

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(61 Fed. Reg. 1991)

variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997

(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997

(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997

(62 Fed. Reg. 32973)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997

(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 725 incorporate major elements of the Subpart CC amendments, as well as certain segments of the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.
The amendments to Part 725 include amendments to incorporations by reference. The amendments incorporate analytical methods for the testing

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of biodegradability of sorbent materials (OECD method 301B) and previously-incorporated SW-846 and various air and water testing methods and operating requirements from the Code of Federal Regulations. The incorporations are centrally located at 35 Ill. Adm. Code 720.111, and associated amendments to Part 720 include numerous additions and amendments to those incorporations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 725 incorporate major elements of the Subpart CC amendments, as well as certain segments of

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the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 725 incorporate major elements of the Subpart CC amendments, as well as certain segments of the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
725.118 Location Standards
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan

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725.154 Amendment of Contingency Plan
 725.155 Emergency Coordinator
 725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
 725.170 Applicability
 725.171 Use of Manifest System
 725.172 Manifest Discrepancies
 725.173 Operating Record
 725.174 Availability, Retention and Disposition of Records
 725.175 Annual Report
 725.176 Unmanifested Waste Report
 725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section
 725.190 Applicability
 725.191 Groundwater Monitoring System
 725.192 Sampling and Analysis
 725.193 Preparation, Evaluation and Response
 725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
 725.210 Applicability
 725.211 Closure Performance Standard
 725.212 Closure Plan; Amendment of Plan
 725.213 Closure; Time Allowed for Closure
 725.214 Disposal or Decontamination of Equipment, Structures and Soils
 725.215 Certification of Closure
 725.216 Survey Plat
 725.217 Post-closure Care and Use of Property
 725.218 Post-closure Plan; Amendment of Plan
 725.219 Post-Closure Notices
 725.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
 725.240 Applicability
 725.241 Definitions of Terms as Used in this Subpart
 725.242 Cost Estimate for Closure
 725.243 Financial Assurance for Closure
 725.244 Cost Estimate for Post-closure Care

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725.245 Financial Assurance for Post-Closure Monitoring and Maintenance
 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
 725.247 Liability Requirements
 725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
 725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
 725.270 Applicability
 725.271 Condition of Containers
 725.272 Compatibility of Waste with Container
 725.273 Management of Containers
 725.274 Inspections
 725.276 Special Requirements for Ignitable or Reactive Waste
 725.277 Special Requirements for Incompatible Wastes
 725.278 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
 725.290 Applicability
 725.291 Assessment of Existing Tank System's Integrity
 725.292 Design and Installation of New Tank Systems or Components
 725.293 Containment and Detection of Releases
 725.294 General Operating Requirements
 725.295 Inspections
 725.296 Response to leaks or spills and disposition of Tank Systems
 725.297 Closure and Post-Closure Care
 725.298 Special Requirements for Ignitable or Reactive Waste
 725.299 Special Requirements for Incompatible Wastes
 725.300 Waste Analysis and Trial Tests
 725.301 Generators of 100 to 1000 kg/mo
 725.302 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section
 725.320 Applicability
 725.321 Design and Operating Requirements
 725.322 Action Leakage Rate
 725.323 Response Actions
 725.324 Containment System
 725.325 Waste Analysis and Trial Tests
 725.326 Monitoring and Inspections
 725.328 Closure and Post-closure Care

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725.329 Special Requirements for Ignitable or Reactive Waste
 725.330 Special Requirements for Incompatible Wastes
 725.331 Air Emission Standards

SUBPART L: WASTE PILES

Section

725.350 Applicability
 725.351 Protection from Wind
 725.352 Waste Analysis
 725.353 Containment
 725.354 Design and Operating Requirements
 725.355 Action Leakage Rates
 725.356 Special Requirements for Ignitable or Reactive Waste
 725.357 Special Requirements for Incompatible Wastes
 725.358 Closure and Post-closure Care
 725.359 Response Actions
 725.360 Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section

725.370 Applicability
 725.372 General Operating Requirements
 725.373 Waste Analysis
 725.376 Food Chain Crops
 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
 725.379 Recordkeeping
 725.380 Closure and Post-closure
 725.381 Special Requirements for Ignitable or Reactive Waste
 725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section

725.400 Applicability
 725.401 Design Requirements
 725.402 Action Leakage Rate
 725.403 Response Actions
 725.404 Monitoring and Inspection
 725.409 Surveying and Recordkeeping
 725.410 Closure and Post-closure
 725.412 Special Requirements for Ignitable or Reactive Waste
 725.413 Special Requirements for Incompatible Wastes
 725.414 Special Requirements for Liquid Wastes
 725.415 Special Requirements for Containers
 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

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SUBPART O: INCINERATORS

Section

725.440 Applicability
 725.441 Waste Analysis
 725.445 General Operating Requirements
 725.447 Monitoring and Inspection
 725.451 Closure
 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section

725.470 Other Thermal Treatment
 725.473 General Operating Requirements
 725.475 Waste Analysis
 725.477 Monitoring and Inspections
 725.481 Closure
 725.482 Open Burning; Waste Explosives
 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section

725.500 Applicability
 725.501 General Operating Requirements
 725.502 Waste Analysis and Trial Tests
 725.503 Inspections
 725.504 Closure
 725.505 Special Requirements for Ignitable or Reactive Waste
 725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section

725.530 Applicability

SUBPART W: DRIP PADS

Section

725.540 Applicability
 725.541 Assessment of existing drip pad integrity
 725.542 Design and installation of new drip pads
 725.543 Design and operating requirements
 725.544 Inspections
 725.545 Closure

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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	Applicability
725.930	Definitions
725.931	Standards: Process Vents
725.932	Standards: Closed-vent Systems and Control Devices
725.933	Test methods and procedures
725.934	Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	Applicability
725.950	Definitions
725.951	Standards: Pumps in Light Liquid Service
725.952	Standards: Compressors
725.953	Standards: Pressure Relief Devices in Gas/Vapor Service
725.954	Standards: Sampling Connecting Systems
725.955	Standards: Open-ended Valves or Lines
725.956	Standards: Valves in Gas/Vapor or Light Liquid Service
725.957	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors
725.958	Standards: Delay of Repair
725.959	Standards: Closed-vent Systems and Control Devices
725.960	Percent Leakage Alternative for Valves
725.961	Skip Period Alternative for Valves
725.962	Test Methods and Procedures
725.963	Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	Applicability
725.980	Definitions
725.981	Schedule for Implementation of Air Emission Standards
725.982	Standards: General
725.983	Waste Determination Procedures
725.984	Standards: Tanks
725.985	Standards: Surface Impoundments
725.986	Standards: Containers
725.987	Standards: Closed-vent Systems and Control Devices
725.988	Inspection and Monitoring Requirements
725.989	Recordkeeping Requirements
725.990	Alternative Tank Emission Control Requirements <u>(Repealed)</u>

SUBPART DD: CONTAINMENT BUILDINGS

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Section	Applicability
725.1100	Design and operating standards
725.1101	Closure and Post-closure Care
725.1102	Recordkeeping Instructions
APPENDIX A	EPA Report Form and Instructions (Repealed)
APPENDIX B	EPA Interim Primary Drinking Water Standards
APPENDIX C	Tests for Significance
APPENDIX D	Examples of Potentially Incompatible Waste
APPENDIX E	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)
APPENDIX F	

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART B: GENERAL FACILITY STANDARDS

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Section 725.112 Required Notices

- a) Receipt from a foreign source.
- 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
 - 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 35 Ill. Adm. Code 722.Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days after receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.
 - b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703 (Also see 40 35 Ill. Adm. Code 703.155).
- BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.113 General Waste Analysis

- a) Waste analysis:
- 1) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
 - 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

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BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) above except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
 - A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
 - b) The owner or operator shall develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
 - 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above.
 - 2) The test methods that will be used to test for these parameters.
 - 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A, or
 - B) An equivalent sampling method.

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BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
- 5) For off-site facilities, the waste analysis that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107.
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents;
 - B) The analysis of test data; and
 - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or that exhibit a characteristic of hazardous waste and either:
 - i) Do not meet the applicable standards of 35 Ill. Adm. Code 728.Subpart D, or
 - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139.
- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC of this Part in accordance with Section 725.983:
 - A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.
 - B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator, or by the generator of the waste if the water is received from off-site, that is used as the basis for knowledge of the waste. Each generator's notice and certification of the volatile-organic-concentration--in--the waste--if--the--waste--is--received--from--offsite--
- c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
 - 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method that will be used to obtain a representative

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sample of the waste to be identified if the identification method includes sampling.

- 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.171 Use of Manifest System

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:
 - 1) Sign and date each copy of the manifest to certify that hazardous waste covered by the manifest was received;
 - 2) Note any significant discrepancies in the manifest, as defined in Section 725.172(a), on each copy of the manifest;

BOARD NOTE: An owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires the owner or operator to report any unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;
- 4) Send a copy of the manifest to each of the generator and the Agency within 30 days of the date of delivery; and
- 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA 48-S7--BPA identification numbers, generator's certification and signatures), the owner or operator or its agent must:
 - 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
 - 2) Note any significant discrepancies, as defined in Section 725.172(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting

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- an unreconciled discrepancy discovered during later analysis.
- 3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);
- 4) Send a copy of the signed and dated manifest to the generator and to the Agency within 30 days after the delivery; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and
- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.
- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.
- BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.134 apply only to owners or operators that are shipping hazardous waste that they generated at that facility.
- d) Within three working days after the receipt of a shipment subject to 35 Ill. Adm. Code 722.Subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 725.278 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subparts Subpart AA, BB, and CC.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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SUBPART K: SURFACE IMPOUNDMENTS

Section 725.331 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.Subparts Subpart BB and CC.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 725.414 Special Requirements for Liquid Wastes

- a) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to May 8, 1985. This statement maintains structural consistency with USEPA 8-8--EPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) Containers holding free liquids must not be placed in a landfill unless:
- 1) All free-standing liquid;
 - A) Has been removed by decanting, or other methods; or
 - B) Has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 - C) Has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 - 4) The container is a lab pack as defined in Section 725.416 and is disposed of in accordance with Section 725.416.
- d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods" for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA 8-8--EPA Publication No. SW 846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- e) The placement of any liquid that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (f)(1) below; materials that pass one of the tests in subsection (f)(2) below; or materials that are determined by Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

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1) Nonbiodegradable sorbents are:

- A) Inorganic materials, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allystyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents.

- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)--"Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111; or
- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)--"Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111; or
- C) The sorbent material is determined to be non-biodegradable under OECD test 301B (CO[2] Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 725.101).
- b) Except for Sections 725.934(d) and 725.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least

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10 ppmw (parts per million by weight), if these operations are conducted in one of the following:

- 1) A unit units that is are subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or
- 2) A unit (including a hazardous Hazardous waste recycling unit units that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 262.34(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is are located on a hazardous waste management facility facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705.

BOARD NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 725.101(c) are not affected by these requirements.

- c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all

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affected process vents is attained at an efficiency less than 95 weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) below except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) below.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.

4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) below.
- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5) below.

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- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance determination and equations.

- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \sum_{i=1}^n (C[i] \times H[i])$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10^{-7}$ (l/ppm) (g mol/scm) (MJ/kcal) where standard temperature for a (g mol/scm) 20°C.

SUM (X[i]) means the sum of the values of X for each component i, from i=1 to n.

C[i] is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) above must be determined by the following

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equation:

$$\text{Log}[10] V[\text{max}] = \frac{H[T] + 28.8}{31.7}$$

Where:

Log[10] means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2) above.

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

Where:

H is the net heating value as determined in subsection (e)(2) above.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at

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the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

- C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicates good combustion operating practices are being used.

- F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with ~~at two locations and have~~ an accuracy of ± 1 percent of the temperature being monitored in degrees Celsius ($^{\circ}\text{C}$) or $\pm 0.5^{\circ}\text{C}$, whichever is greater. ~~The~~ One temperature sensor must be installed at a location in the exhaust vent stream from the condenser (i.e., product side) ~~and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.~~

- G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

- 3) Inspect the reading from each monitoring device required by subsections subsection (f)(1) and (f)(2) above at least once each operating day to check control device operation and, if

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necessary, immediately implement the corrective measure necessary to ensure the control device operates in compliance with the requirements of this Section.

- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).
- i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- j) A closed-vent system must meet either of the following design requirements: ~~Closed-vent-systems-~~
 - 1) A closed-vent system ~~Closed-vent-systems~~ must be designed to operate ~~for-and-operated~~ with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv ppm above background ~~and-by-visual-inspections~~, as determined by the methods specified at Section 725.934(b)1, and by visual inspections; or -
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating. ~~Closed-vent-systems~~

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~~must-be-monitored-to-determine-compliance-with-this-Section during-the-initial-leak-detection-monitoring-which-must-be-conducted-by-the-date-that-the-facility-becomes-subject-to-the provisions-of-this-Section-annually-and-at-other-times-as specified-by-the-Agency-pursuant-to-Section-725.930(e). For-the annual-leak-detection-monitoring-after-the-initial-leak-detection monitoring-the-owner-or-operator-is-not-required-to-monitor those-closed-vent-system-components-that-continuously-operate-in vacuum-service-or-those-closed-vent-system-joints-seams-or other-connections-that-are-permanently-or-semi-permanently-sealed (e.g., a-welded-joint-between-two-sections-of-metal-pipe-or-a bolted-and-gasketed-pipe-flange).~~

- 3) ~~Detectable-emissions-as-indicated-by-an-instrument-reading greater-than-500-ppm-and-visual-inspections-must-be-controlled as-soon-as-practicable-but-not-later-than-15-calendar-days-after the-emission-is-detected.~~
- 4) ~~A-first-attempt-at-repair-must-be-made-no-later-than-5-calendar-days-after-the-emission-is-detected.~~
- k) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
 - 1) Each closed-vent system that is used to comply with subsection (j)(1) above shall be inspected and monitored in accordance with the following requirements:
 - A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.
 - B) After initial leak detection monitoring required in subsection (k)(1)(A) above, the owner or operator shall inspect and monitor the closed-vent system as follows:
 - 1) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or is replaced (e.g., a section of damaged

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hard piping is replaced with a new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
 ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) above must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:
 - A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
 - B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.
 - C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k)(3) below.
 - D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 3) The owner or operator shall repair all detected defects as follows:
 - A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) below.
 - B) A first attempt at repair must be made no later than five calendar days after the emission is detected.
 - C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner

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or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.

1k) A closed-vent system or closed-vent-systems and control device devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it them.

m) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following: ~~is permitted under 35 Ill. Adm. Code 724-Subpart-X or 725-Subpart-P;~~

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724-Subpart X; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of 725-Subparts AA and CC or 35 Ill. Adm. Code 724; or

C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 or 40 CFR 63.

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following: ~~by a process that is permitted under 35 Ill. Adm. Code 724-Subpart-O or 725-Subpart-O; or~~

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724-Subpart O; or

B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O.

- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following: ~~that is permitted under 35 Ill. Adm. Code 726-Subpart-H;~~

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726-Subpart H; or

B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726-Subpart H.

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- n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedures specified in subsection (k)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.934 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(k)(7), the test must comply with the following requirements:
 - 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The background level must be determined as set forth in Reference Method 21.
 - 6) The instrument probe must be transversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 725.932(a) and with the total organic compound concentration limit of Section 725.933(c) must comply with the following:

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- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
 - A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
 - B) Method 18 in 40 CFR 60 for organic content.
 - C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.
 - D) Total organic mass flow rates must be determined by the following equation:

$$P = K \cdot Q \cdot \frac{1}{MW} \cdot \frac{1}{G} \cdot \frac{1}{M} \cdot \frac{1}{V} \cdot \frac{1}{T} \cdot \frac{1}{P} \cdot \frac{1}{R} \cdot \frac{1}{S} \cdot \frac{1}{U} \cdot \frac{1}{W} \cdot \frac{1}{X} \cdot \frac{1}{Y} \cdot \frac{1}{Z}$$

Where:

P is the total organic mass flow rate, kg/h;
 K is a unit conversion factor for molar volume, kg-mol/cubic meter at 299-K and 760-mm-Hg;
 Q is volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111;
 G is the mean of the values of the component from i=1 to n;
 M is the number of organic compounds in the vent gas;
 C_i is the organic concentration in ppm dry basis of compound i in the vent gas as determined by Method 18 in 40 CFR 60;
 MW is the molecular weight of organic compound i in the vent gas, kg/kg-mol.

$$(E)(h) = (Q) \left[\sum_{i=1}^n C(i) \cdot MW(i) \right] \cdot 0.0416 \cdot X \cdot 10^{(-6)}$$

Where:

$\frac{E(h)}{Q(2sd)}$ = The total organic mass flow rate, kg/h.
 = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 n = the number of organic compounds in the vent gas.
 C(i) = The organic concentration in ppm, dry

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$$\frac{MW(i)}{0.0416} = \frac{\text{basis, of compound } i \text{ in the vent gas, as determined by Method 18 in 40 CFR 60.}}{\text{The molecular weight of organic compound } i \text{ in the vent gas, kg/kg-mol.}}$$

$$\frac{10(-6)}{10(-6)} = \frac{\text{The conversion factor for molar volume, kg-mol/m(3), at 293 K and 760 mmHg.}}{\text{The conversion factor from ppm.}}$$

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H \times \text{HOURS}$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) above.

H HOURS is the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.

2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.
 - Safe sampling platform(s).
 - Safe access to sampling platform(s).
 - Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent

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extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator shall take a minimum of four grab samples of waste for each wastewater managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.

D) The arithmetic mean of the results of the analyses of the four samples apply for each wastewater managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastewater managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:

- Production process information documenting that no organic compounds are used;
- Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastewater having a total organic content less than 10 ppmw; or
- Prior specification analysis results on the same wastewater where it is documented that no process changes have occurred.

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since that analysis that could affect the waste total organic concentration.

- e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

- 1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and

- 2) Either:

A) For continuously generated waste, annually; or

B) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.935 Recordkeeping Requirements

- a) Compliance Required.

1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

- b) Owners and operators shall record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including:

- A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit,

estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- 3) Where an owner or operator chooses to use test date to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

- B) A detailed engineering description of the closed-vent system and control device including:

- i) Manufacturer's name and model number of control device.
- ii) Type of control device.
- iii) Dimensions of the control device.
- iv) Capacity.
- v) Construction materials.

C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

- 4) Documentation of compliance with Section 725.933 must include the following information:

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- A) A list of all information references and sources used in preparing the documentation.
- B) Records, including the dates of each compliance test required by Section 725.933(j).
- C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii), below, may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.
- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
 - ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
 - iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
 - iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).
 - v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.
 - vi) For a carbon adsorption system such as a fixed-bed

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- adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.
- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
 - D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
 - E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.
 - F) If performance tests are used to demonstrate compliance, all test results.
 - c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to

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comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 725.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:
 - A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, any period when the combustion temperature is below 760°C.
 - B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95% percent or greater, any period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i) above.
 - C) For a catalytic vapor incinerator, any period when:
 - i) Temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(iii) above; or
 - ii) Temperature difference across the catalyst bed is less than 80% percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii) above.
 - D) For a boiler or process heater, any period when:
 - i) Flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii) above; or
 - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii) above.
 - E) For a flare, period when the pilot flame is not ignited.
 - F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20% percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v) above.

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- G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when:
 - i) Temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v) above.
 - ii) Temperature of the coolant fluid exiting the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v) above.
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20% percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) above.
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) above.
- 5) Explanation for each period recorded under subsection (c)(4) above of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- 9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 725.933(n) shall record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 725.933(n), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each

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closed-vent system component.

10) When each leak is detected as specified in Section 725.933(k), the following information must be recorded:

- A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.
- B) The date the leak was detected and the date of first attempt to repair the leak.
- C) The date of successful repair of the leak.
- D) Maximum instrument reading measured by Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.
- E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (10), above, must be maintained by the owner or operator for at least three--~~need--be--kept~~ only--3 years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), when application of the knowledge of the nature of the hazardous wastewater or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

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Section 725.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).
- b) Except as provided in Section 725.964(j), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10% percent by weight that are managed in one of the following:
 - 1) A unit ~~units~~ that is ~~are~~ subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703 and 705; ~~r-or~~
 - 2) A unit (including a hazardous ~~Hazardous~~ waste recycling unit) ~~units~~ that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a ~~on~~ hazardous waste management facility ~~facilities~~ otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; ~~or~~
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container).
- c) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- d) Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).
- e) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 725.952 through 725.960 if it is identified as required in Section 725.964(g)(6).

BOARD NOTE: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104-722-34 and 725.101(e) are not affected by these requirements.

fe) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.955 Standards: Sampling Connecting Systems

- a) Each sampling connection system must be equipped with a closed-purge, closed-loop, ~~system~~ or closed-vent system. This system must collect

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the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

- b) Each closed-purge, closed-loop, system or closed-vent system as required in subsection (a) must meet one of the following requirements:

- 1) Return the purged process fluid hazardous-waste-stream directly to the hazardous-waste-management process line with-no-detectable emissions-to-atmosphere; or
 - 2) Collect and recycle the purged process fluid hazardous-waste stream-with-no-detectable-emissions-to-atmosphere; or
 - 3) Be designed and operated to capture and transport all the purged process fluid hazardous-waste-stream to a waste management unit that complies with the applicable requirements of Sections 725.985 through 725.987 or a control device that complies with the requirements of Section 725.960.
- c) In situ sampling systems are exempt from the requirements of subsections (a) and (b) above.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors

- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 725.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs
 - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
 - 2) The first attempt at repair must be made no later than 5 calendar days after each leak is detected.
- d) First attempts at repair include, but are not limited to, the best practices described under Section 725.957(e).
- e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) above and from the recordkeeping requirements of Section 725.964.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 725.964 Recordkeeping Requirements

a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owners and operators shall record the following information in the facility operating record:
- 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g. gas/vapor or liquid).
 - F) Method of compliance with the standard (e.g. "monthly leak detection and repair" or "equipped with dual mechanical seals").

- 2) For facilities that ~~then~~ comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.

- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).

- 4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).

- c) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following requirements apply:

- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.

- 2) The identification on equipment except on a valve, may be removed after it has been repaired.

- 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.

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- d) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
- 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 725.758(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- g) The following information pertaining to all equipment subject to the requirements in Section 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:
- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
 - 2) List of Equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Section 725.952(e), 725.953(i) and 725.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i) or 725.957(f) must be signed by the owner or operator.

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- 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).
- 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
- 5) A list of identification numbers for equipment in vacuum service.
- 6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.
 - h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
 - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
 - i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:
 - 1) A schedule of monitoring.
 - 2) The percent of valves found leaking during each monitoring period.
 - j) The following information must be recorded in a log that is kept in the facility operating record:
 - 1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.
 - 2) Any changes to these criteria and the reasons for the changes.
 - k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:
 - 1) An analysis determining the design capacity of the hazardous waste management unit.
 - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.
 - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required by Section 725.963(d)(3) when application of the knowledge of the nature of

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the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

- 1) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only 3 years.
- m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart V, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 725.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to 725. Subpart I, J, or K except as Section 725.101 and subsection (b) below provide otherwise.

BOARD NOTE: USEPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995) and 60 Fed. Reg. 56952 (Nov. 13, 1995), and 61 Fed. Reg. 28508 (June 5, 1996), USEPA delayed the effective date until October 6, 1996. If action by USEPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 725. Subpart CC rules be enforceable to the extent that it becomes more stringent than the federal regulations upon which they are based.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:
 - 1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996 and in which no hazardous waste is added to the unit on or after this date.
 - 2) A container that has a design capacity less than or equal to 0.1

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- m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.

- c) For the owner and operator of a facility subject to this Subpart that who has received a final RCRA permit prior to October 6, 1996, the following requirements apply:
 - 1) The requirements of 35 Ill. Adm. Code 724. Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.
 - d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions.
 - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide

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manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

- 2) The owner or operator prepares documentation, in accordance with Section 725.990(1), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) above.
- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) above are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) above. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

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"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device or system that provides a continuous barrier is placed on or over the hazardous waste managed in a unit such that the entire hazardous waste surface area is enclosed and sealed to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used installed provided that each opening is closed and sealed when not in use. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, a lid installed on a drum, or an enclosure in which an open container is placed during waste treatment.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover floating roof that rests on the surface of a hazardous waste being managed in a tank with that has no fixed roof.

"Fixed roof" means a rigid cover that is mounted on a unit installed in a stationary position and so that it does not move with fluctuations in the level of the material managed hazardous waste placed in the unit a tank.

Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single deck, or internal floating a pontoon-type or double-deck-type cover that rests upon and is supported by the material hazardous waste being contained managed in a tank, and is equipped with a continuous closure seal or seals to close the space between the cover edge and the tank wall.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

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"In light material service" means the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C (1.2 inches H₂O at 68°F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H₂O at 68°F) is equal to or greater than 20% by weight.

"Internal floating roof" means a cover floating--roof that rests or floats on the material surface (but not necessarily in complete contact with it) inside of a hazardous waste being managed in a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the equilibrium partial pressure exerted by the hazardous waste contained in a tank determined at the temperature equal to either

The local maximum monthly average temperature as reported by the National Weather Service, when the hazardous waste is stored or treated at ambient temperature, or

The highest calendar month average temperature of the hazardous waste when the hazardous waste is stored at temperatures above the ambient temperature or when the hazardous waste is stored or treated at temperatures below the ambient temperature.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated

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fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics from a device or system to the atmosphere, as determined using the procedure specified in Section 725.984(d).

By an instrument reading less than 500 parts per million by volume (ppmv) above the background level at each joint-fitting and seal, when measured in accordance with the requirements of Method 21 in 40 CFR 60, appendix A, and
By no visible openings or defects in the device or system such as rips, tears, or gaps.

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process a waste management unit used to destroy, degrade, or remove organics in the hazardous waste. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient

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temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open any when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a foam-filled primary seal mounted continuously around the circumference of the tank so that there is an annular vapor space between underneath the hazardous waste in the unit and the bottom of the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the hazardous waste surface, and the floating roof.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement using Method-35B, or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction in the gas-phase/mole-fraction in the liquid-phase (0.1 Y/X) (which can also be expressed as 1.8X10⁻⁶) atmospheres/gram-mole/m(3)) at 25°C (77°F) must be included. Section 725.984 Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, determining the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure

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for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.983 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Sections 725.985 through Section 725.988, as applicable to the waste management unit, except as provided for in subsection (c) below.
- c) A tank, surface impoundment, or container waste-management-unit is exempted from standards specified in Sections 725.985 through Section 725.988, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet either one of the following conditions:
 - 1) A tank, surface impoundment, or container for which all the average-VO-concentration-of-the hazardous waste entering the unit has an average VO concentration at the point of waste origination of is less than 500 t00 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.
 - 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
 - A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO

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concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C[tl]) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).

B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 50 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R[bio]) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using ~~in--accordance--with~~ the procedures specified in Section 725.984(b).

ii) The total actual organic mass biodegradation rate (MR[bio]) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).

E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

†) ~~All--of--the--materials--entering--the--process--are hazardous-wastes--~~

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~~iii) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.~~

~~ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.~~

~~BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.~~

~~iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures ~~procedure~~ specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures ~~procedure~~ specified in Section 725.984(b).~~

~~F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95% and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.~~

~~GP) A hazardous waste incinerator for which either of the owner or operator has either following conditions is true:~~

~~i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.703, and 705 that implements 7-and-the-owner--or-operator--designs--and operates--the-unit-in-accordance-with the requirements~~

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- of 35 Ill. Adm. Code 726.724. Subpart H; or
- ii) The owner or operator has designed and operates the incinerator in accordance ~~certified-compliance-for-the~~ unit with the interim status requirements of 726-Subpart O of this part.
- H6)** A boiler or industrial furnace for which either of the following conditions is true ~~owner-or-operator-has-either:~~
- The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements ~~and--the--owner--or--operator--designs-and~~ operates ~~the-unit-in-accordance-with~~ the requirements of 35 Ill. Adm. Code 726. Subpart H₁₇ or
 - The owner or operator has designed and operates the industrial furnace or incinerator in accordance ~~certified-compliance--for--the--unit~~ with the interim status requirements of 35 Ill. Adm. Code 726. Subpart H.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) above, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method.

ii) If any other analytical method is used, one-half the limit of detection established for the method.

3) A tank used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) above.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728. Table T; or

B) It has been treated by the treatment technology established by US EPA for the waste in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste

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Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year:

- B)** The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
- C)** The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.
- d)** ~~When-a-process-is-used-for-the-purpose-of-treating-a-hazardous-waste to--meet--one--of--the--gets--of--conditions--specified-in-subsections (c)(2)(A) through (c)(2)(F)--above--each--material--removed--from--or exiting--the--process--that--is-not-a-hazardous-waste-but-which-has-an average-VO-concentration-equal-to-or-greater-than--100--ppmw--must-be managed-in-a-waste-management-unit-in-accordance-with-the-requirements of-subsection-(b)--above.~~
- de)** The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:
- The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).
 - In performing a waste determination pursuant to subsection (d)(1) above, the sample preparation and analysis shall be conducted as follows:
 - In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) below.
 - If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then

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the Agency may choose an appropriate method.

32) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

43) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) above must be used to establish compliance with the requirements of this Subpart.

54) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 \pm 100 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(4)(C) below.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 \pm 100 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 \pm 100 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) The When-the-facility-owner-or-operator-is-the-generator-of-the-hazardous-waste--the--owner--or--operator--shall-determine-the-average VO concentration of a the hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(35) below, or by knowledge of the waste, as specified in subsection (a)(46) below for each hazardous waste generated as follows:-

A) When--the--hazardous--waste--is--generated--as--part--of--a continuous-process--the-owner-or-operator-shall:-

i) Perform--an-initial-waste-determination-of-the-average VO-concentration-of-the-waste-stream-before-the--first time--any--portion-of-the-material-in-the-waste-stream is-placed-in-a-waste-management-unit-subject--to--this Subpart-and-thereafter-update-the-information-used-for the--waste-determination-at-least-once-every-12-months following-the-date-of-the-initial-waste-determination; and

ii) Perform-a-new-waste-determination-when-ever-changes--to the--source-generating-the-waste-stream-are-reasonably likely-to-cause-the-average-VO-concentration--of--the hazardous--waste--to-increase-to-a-level-that-is-equal to-or-greater-than--the--applicable--VO--concentration limits-specified-in-Section-725.983-

B) When--the--hazardous--waste--is-generated-as-part-of-a-batch process-that-is-performed--repeatedly--but--not--necessarily continuously--the-owner-or-operator-shall:-

i) Perform--an-initial-waste-determination-of-the-average VO-concentration-for-one-or-more-representative--waste batches-generated-by--the--process--before-the-first time--any--portion-of-the-material--in--the--batches--is placed--in--a--waste-management-unit-subject-to-this Subpart--and-thereafter-update--the--information-used for--the--waste--determination--at-least-once-every-12 months--following--the--date--of--the--initial--waste determination--and

ii) Perform--a-new-waste-determination-when-ever-changes-to the--process--generating--the--waste--batches--are reasonably--likely--to--cause--the--average--VO

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concentration-of-the-hazardous-waste-to-increase-to-a level-that-is-equal-to-or-greater-than-the-applicable VO-concentration-limits-specified-in-Section-725-909-3) When-the-facility-owner-and-operator-is-not-the-generator-of-the hazardous-waste--the-owner-or-operator-shall-determine-the average-VO-concentration-of--the-hazardous-waste--using--either direct-measurement--as-specified-in-subsection-(a)(5)-below--or knowledge-of-the-waste--as-specified-in-subsection-(a)(6)--below-- for-each-hazardous-waste-entering-the-facility-as-follows:

A) When-the-hazardous-waste-enters-the-facility-as-a-continuous flow-of-material--through-a-pipeline-or-other-means-(e.g.-7 wastewater-stream)--the-owner-or-operator-shall:

i) Perform-an-initial-waste-determination-of--the--waste stream--before--the--first--time--any--portion--of--the material--in--the--waste--stream--is--placed--in--a--waste management--unit--subject--to--this--Subpart--and thereafter-update-the-information-used-for--the--waste determination--at-least-once-every-12-months--following the-date-of--the--initial-waste-determination--and

ii) Perform-a-new-waste-determination-whenever-changes--to the--source-generating-the-waste-stream--are-reasonably likely-to-cause-the-average-VO-concentration--of--the hazardous-waste--to-increase-to-a-level-that-is-equal to-or-greater-than--the--applicable-VO-concentration limits-specified-in-Section-725-909-.

B) When-the-hazardous-waste-enters-the-facility-in-a-container-- for-the-material-held-in-each-container--

4) Where-the-average-VO-concentration--of--the--hazardous--waste--is determined-by-the-owner-or-operator--to-be-less-than-100-ppmw--but because--of--normal-operating-variations--in--the--source--or--process generating--the--hazardous--waste--the--VO-concentration--of--the hazardous-waste--may-be-equal-to-or-greater-than-100-ppmw-at-any given-time-during-the-averaging-period--the-owner-or-operator shall--prepare-and-enter--in--the--facility--operating--record information--that-specifies--the--following:

A) The-maximum-and-minimum-VO-concentration--values--for--the hazardous-waste--that-occur--during--that-averaging-period--used for--the--waste-determination;

B) The-operating-conditions-or-circumstances-under-which--the-VO concentration--of--the--hazardous--waste--will-be-equal-to-or greater-than-100-ppmw--and

E) The-information--and--calculations--used--by--the--owner--or operator--to--determine--the-average-VO-concentration--of--the hazardous-waste

35) Direct procedure--for--using--direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.

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A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste. All-waste-samples-used-to-determine-the-average-VO concentration-of-the-hazardous-waste-must-be-collected--at this-point.

B) The-owner-or-operator-shall-designate--and-record--the averaging-period--to-be-used-for-determining-the-average-VO concentration-for-the-hazardous-waste--the-averaging-period must-not-exceed-one-year--An--initial--waste--determination must-be-performed-for-each-averaging-period.

C) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no less than four samples, must be collected for the hazardous waste stream to represent the complete range of compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code

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720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- e) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (a)(5)(B) above. An example of a discrete quantity of material composing a hazardous waste generated as part of a continuous process is the quantity of material generated during a process operating mode defined by a specific set of operating conditions that are normal for the process. An example of a discrete quantity of material composing a hazardous waste generated as part of a batch process that is performed repeatedly but not necessarily continuously is the total quantity of material composing a single batch generated by the process. An example of a discrete quantity of material composing a hazardous waste delivered to a facility in a container is the total quantity of material held in the container.

- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix), including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111 is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction in the gas phase/mole-fraction in the liquid phase (0.1 Y/X) (which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)) at 25°C (77°F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) below has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260(B) or 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are

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- not on that method's published list, the procedures in subsection (a)(3)(C)(viii) below must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}), as specified in subsection (a)(4)(C) below. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.
- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by using the factors in Table 7 of the method.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the elements set forth in subsection (a)(3)(E) below.
- vii) Method 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(C). The quality assurance program must include the elements set forth in subsection (a)(3)(E) below.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other EPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) below.
- ix) Any other analysis method that has been validated in

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collected--in--accordance--with--the--requirements--of
SW-846.
n--Total--number--of--samples--of--hazardous--waste
collected--(at--least--4)--within--a--1-hour--period;
C(i)--V0--concentration--measured--by--Method--25B--for
sample--"i",--in--ppmw;

B) the average V0 concentration of the hazardous waste must be determined using the following procedure:
i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of V0 concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(B) above to represent the complete range of hazardous waste organic compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for each process operating mode identified for the source or process generating the hazardous waste;
ii) When the facility owner or operator is not the generator of the hazardous waste, a sufficient number of V0 concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(B) above to represent the complete range of hazardous waste organic compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for each process operating mode identified for the source or process generating the hazardous waste;

iii) Calculations. The average V0 concentration (C) on a mass-weighted basis of the hazardous waste at the point of waste origination must be calculated by using the results for all samples analyzed V0 measurements performed in accordance with subsection (a)(35)(CB) above and the following equation:

$$C = \frac{1}{Q(T)} \sum_{i=1}^n Q(i) \times C(i)$$

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accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

B) the following procedure must be used to measure the V0 concentration for each discrete quantity of material identified in subsection (a)(5)(E) above:
i) A sufficient number of samples but in no case fewer than four, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples;
ii) Each sample must be collected in accordance with the requirements specified in Test Methods for Evaluating Solid Waste-Physical/Chemical Methods, incorporated by reference in Section 720.111;
iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25B in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

iv) The measured V0 concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (a)(5)(B)(iii) above and the following equation:

$$C = \frac{1}{n} \sum_{i=1}^n C(i)$$

Where:

C = Measured V0 concentration of the discrete quantity of hazardous waste, in ppmw;
i = individual sample "i" of the hazardous waste

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Where:

Cefavef = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

ij = Individual sample "i" discrete quantity "ju" of the hazardous waste for which a VO concentration measurement is determined in accordance with the requirements of subsection (a)(5)(b) above.

nm = Total number of samples of the hazardous waste collected (at least four) VO concentration requirements determined in accordance with the requirements of subsection (a)(5)(b) above for the averaging period (not to exceed one year).

Q[i]eftj = Mass quantity of the discrete quantity of the hazardous waste stream represented by C[i] eftj, in kg/hr.

Q[T] = Total mass quantity of the hazardous waste during for the averaging period, in kg/hr.

C[i]eftj = Measured VO concentration of sample "i", as discrete quantity "ju" for the hazardous waste determined in accordance with the requirements of subsection (a)(35)(CB) above, in ppmw.

E) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) above are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(E)(i) and (a)(3)(E)(ii) correspond with 40 CFR

265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2),

(a)(3)(iii)(G)(1) and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois

Administrative Code format requirements.

6) Procedure for using knowledge of the waste to determine the average VO concentration of a hazardous waste at the point of waste origination:

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A) The owner or operator shall identify and record the point-of waste-origination for the hazardous waste. All information used to determine the average VO concentration of the hazardous waste must be based on the hazardous waste composition at this point.

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall prepare and record sufficient information that documents the average VO concentration for the hazardous waste. Information may be used that is prepared by either the facility owner or operator or by the generator of the hazardous waste. Examples of information that may be used as the basis for knowledge of the waste include: organic material balances for the source or process generating the waste; VO concentration measurements for the same type of waste performed in accordance with the procedure specified in subsection (a)(5)(b) above; previous individual organic constituent test data for the waste that are still applicable to the current waste management practices; documentation that the waste is generated by a process for which no organics containing materials are used; previous test data for other locations managing the same type of waste; or other knowledge based on manifests, shipping papers, or waste certification notices.

B) If test data other than VO concentration measurements performed in accordance with the procedure specified in subsection (a)(5)(b) above are used as the basis for knowledge of the waste, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use individual organic constituent concentration test data that are validated in accordance with Method 301 in 40 CFR 637 appendix A7 incorporated by reference in 35 ill. Adm. Code 728.011 as the basis for knowledge of the waste.

B) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balance for the source or process generating the hazardous waste stream;

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constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor ([f(25D)]).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in subsection (a)(3) above must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement.

b) Waste determination procedures for treated hazardous waste.

1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) The owner or operator shall perform a waste determination for each discrete quantity of treated hazardous waste as follows:

A) When the hazardous waste is treated by a continuous process the owner or operator shall:

- i) Perform an initial waste determination for the treated

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waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the hazardous waste streams fed to the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(f)(2).

B) When the hazardous waste is treated by a batch process that is performed repeatedly but not necessarily continuously, the owner or operator shall:

- i) Perform an initial waste determination for the treated hazardous waste in one or more representative batches treated by the process, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the hazardous waste treated by the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(f)(2).

23) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under for which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(34) through (b)(24) below.

34) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point:

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (b)(4)(B)

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- above.
- B) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in subsection (b)(4)(e) above:
- i) A sufficient number of samples, but in no case fewer than four samples, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples:
- ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid-Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25B in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (b)(4)(B)(iii) above and the following equation:
- $$i = \frac{e - n \times \text{SW}}{i - 1}$$
- Where:
- e = Measured VO concentration of the discrete quantity of hazardous waste, in ppmw;
- i = Individual sample number of the hazardous waste collected in accordance with the requirements of SW-846;
- n = Total number of samples of hazardous waste collected (at least 4) within a 1-hour period;
- e(i) = VO concentration measured by Method 25B for sample "i", in ppmw.
- B) Sampling. Samples of the hazardous waste stream must be

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- collected at the point of waste treatment in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
- ii) A sufficient number of samples, but no less than four samples, must be collected for the hazardous waste stream to represent the complete range of compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan include a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) below, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts

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for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(ii) through (b)(3)(C)(vi) below has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses EPA method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses EPA Method 8260(B) or 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) above must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f[m25D]) as specified in subsection (a)(4)(C) below. Constituent-specific adjustment factors (f[m25D]) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code

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720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the elements set forth in subsection (b)(3)(E) below.

- vii) Method 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(C). The quality assurance program must include the elements set forth in subsection (b)(3)(E) below.
- viii) Any other EPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other EPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) below.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

E) The average VO concentration of the hazardous waste at the point-of-waste-treatment must be determined using the following procedure:

- i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (b)(4)(B) above to represent the complete range of hazardous waste organic compositions and quantities treated by the process during the entire averaging period.

D) Calculations. The average VO concentration (C) on a mass-weighted basis of the hazardous waste at the point-of waste-treatment must be calculated by using the results for all samples analyzed VO measurements performed in accordance with subsection (b)(3)(B) above and the following equation:

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$$C = \frac{1}{\sum_{i=1}^m Q[i]} \times \sum_{i=1}^m (Q[i] \times C[i])$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis origination, in ppmw.

i = Individual sample "i" discrete-quantity-"u" of the hazardous waste for--which--a--VO--concentration measurement--is--determined--in--accordance--with--the requirements--of--subsection--(b)(4)(B)--above.

m = Total number of samples of the hazardous waste collected (at least 4) VO--concentration--measurements determined--in--accordance--with--the--requirements--of subsection--(b)(4)(B)--above or the averaging period (not to exceed 1 year).

$Q[i]$ = Mass of--the--discrete quantity of the hazardous waste stream represented by $C[i]$ E ft, in kg/hr.

Q = Total mass quantity of the hazardous waste during for the averaging period, in kg/hr.

$C[i]$ = Measured VO concentration of sample "i", as discrete-quantity-"u"--for--the--hazardous-waste determined in accordance with the requirements of subsection (b)(3)(C) above, in ppmw.

45) Procedure to determine the exit concentration limit (C) for a treated hazardous waste.

- The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- If a single hazardous waste stream is identified in subsection (b)(4)(A) above, then the exit concentration limit (C) must be 500 \pm 10 ppmw.
- If more than one hazardous waste stream is identified in subsection (b)(4)(A) above, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the

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requirements of subsection (a) above. The exit concentration limit (C) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C = \frac{\sum_{x=1}^m (Q[x] \times \bar{C}[x]) + \sum_{y=1}^n (Q[y] \times 100 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

C = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average \bar{C} VO concentration less than 500 \pm 10 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) above Section-725-984(a).

y = Individual hazardous waste stream "y" that has an average \bar{C} VO concentration equal to or greater than 500 \pm 10 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) above Section-725-984(a).

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q[x]$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q[y]$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) above Section-725-984(a), in ppmw.

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56) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) All the point-of each hazardous waste stream entering the process and all each hazardous waste stream exiting the treatment process that is to be included in the calculation of the organic reduction efficiency for the process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, the following information must be determined for each hazardous waste stream identified in subsection (b)(56)(B) above, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q(b)) and the mass quantity of each hazardous waste stream exiting the process (Q(a)) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C(b)) during the run must be determined measured in accordance with the requirements of subsections (a)(35) above (b)(1)-(b)(5)(b)(1)-(b)(5) below. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C(a)) during the run must be determined in accordance with the requirements of subsection (b)(34) above (b)(1)-(b)(5). Samples must be collected as follows: For a continuous process, the samples of the hazardous waste entering and samples of the hazardous waste exiting the process must be collected concurrently. For a batch process, the samples of the hazardous waste entering the process must be collected at the time that the hazardous waste is placed in the process. The samples of the hazardous waste exiting the process must be collected as soon as practicable after the time when the process stops operation or the final treatment cycle ends.

D) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the process (E(a)) must be calculated by using the results determined in accordance with subsection (b)(56)(C) above and the following equations:

$$E(b) = \frac{1}{m} \sum Q(b_j) \bar{X} C(b_j)$$

$$10(6) j=1$$

$$E(a) = \frac{1}{m} \sum Q(a_j) \bar{X} C(a_j)$$

$$10(6) j=1$$

$$E(b) = \frac{1}{m} \sum Q(b_j) \bar{X} C(b_j)$$

$$10(6) j=1$$

$$E(a) = \frac{1}{m} \sum Q(a_j) \bar{X} C(a_j)$$

$$10(6) j=1$$

Where:

E(a) = Waste volatile organic mass flow exiting the process, in kg/hr.

E(b) = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q(bj) = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q(aj) = Average mass quantity of waste exiting the process during run "j", in kg/hr.

C(aj) = Measured VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection Section 725.984 (a)(35)(b)(1)-(b)(5) through (a)(35)(b)(5) above, in ppmw.

C(bj) = Measured VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection Section 725.984 (a)(35)(b)(1)-(b)(5) through (a)(35)(b)(5) above, in ppmw.

E) The organic reduction efficiency of the process must be

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calculated by using the results determined in accordance with subsection (b)(56)(D) above and the following equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

E[b] = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(56)(D) above, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(56)(D) above, in kg/hr.

67) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111 70-111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)77(A) above.

70) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the ~~the point-of-waste-origination-for-each~~ hazardous waste streams entering ~~treated-by~~ the treatment process at the ~~same-time~~ must be identified.

B) The ~~average for--each-hazardous-waste-stream-identified-in~~ subsection (b)77(A) above, ~~the~~ VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) above.

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C) For each individual hazardous waste stream that has an average ~~a~~ volatile organic concentration equal to or greater than 500 ~~100~~ ppmw at the point of waste origination ~~as determined-in-accordance-with-the-requirements-of-subsection~~ ~~777(A)---above~~, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination ~~and-the-density-of-the-hazardous-waste-stream~~ must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream. ~~results--determined--for--each--individual--hazardous--waste stream--in-accordance-with-the-requirements--of--subsections~~ ~~777(A)---and-777(A)---above~~ and the following equation:

$$RMR = \sum_{y=1}^n \left[V[y] \times k[y] \times \frac{[C[y] - 500 \text{ ppmw}]}{10(6)} \right]$$

$$RMR = \sum_{y=1}^n \left[V[y] \times k[y] \times \frac{[C[y] - 500 \text{ ppmw}]}{10(6)} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an average ~~a~~ volatile organic (VO) concentration equal to or greater than 500 ~~100~~ ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) above ~~Section 725-984(a)~~.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3)

y = Average VO concentration of hazardous waste stream

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requirements of subsections (b)(3)(B) and (b)(3)(C) above and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

$MR[bio]$ = Actual organic mass biodegradation rate, in kg/hr.

$E[b]$ = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(56)(D) above, in kg/hr.

$F[bio]$ = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(3)(C) above.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 air-emission controls in accordance with standards specified in Section 725.985(c).
- 2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) above, or knowledge of the waste, as specified by subsection (c)(4) above, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.
- 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste. ~~To determine the maximum organic vapor pressure of a hazardous waste, the owner or operator shall use the following procedure:~~

A) Sampling. A sufficient number of representative samples of the waste must be collected in the tank. All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods

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"y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) above Section 725.984(a), in ppmw.

89) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

- A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(56)(D) above.
- C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate results determined in accordance with the requirements of subsection (b)(89)(B) above and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

$E[b]$ = Waste volatile organic mass flow entering process, as determined in accordance with the requirements of subsection (b)(56)(D) above, in kg/hr.

$E[a]$ = Waste volatile organic mass flow exiting process, as determined in accordance with the requirements of subsection (b)(56)(D) above, in kg/hr.

910) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- A) The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(67)(D) above.
- C) The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the

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for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste, as appropriate:

- i) Method 25E in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;
- ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;
- iii) Methods obtained from standard reference texts;
- iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- v) Any other method approved by the Agency for this use by the owner or operator.

4) ~~To determine the maximum organic vapor pressure of the hazardous waste by knowledge, sufficient information must be prepared and recorded that documents the maximum organic vapor pressure of the hazardous waste in the tank. Examples of information that may be used include: documentation that the waste is generated by a process for which no organics-containing materials are used or that the waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate design capacity category specified for the tank.~~

4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:

- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak

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interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

5) Calibration gases must be as follows:

- A) Zero air (less than 10 ppmv hydrocarbon in air), and
- B) A mixture of methane in air at a concentration of approximately, but less than, 10,000 ppmv.

6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

7) Each potential leak interface must be checked by transversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified

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in subsection (d)(9) below. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.985 Standards: Tanks

- a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed except for the following tanks:
- 1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 725.983(c)(7) or
 - 2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(c)(2)(B).
- The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable place the hazardous waste into one of the following tanks:
- 1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed vent system to a control device in accordance with the requirements specified in subsection (d) below;
 - 2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 725.991;
 - 3) A tank equipped with an external floating roof in accordance with the requirements of Section 725.991; or
 - 4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.
- c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d)(1) below when the hazardous waste is determined to meet all of the following conditions:
- 1) The hazardous waste is neither mixed, stirred, agitated, nor circulated within the tank by the owner or operator using a

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- process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;
 - 3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and
 - 4) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in Section 725.984(c) is less than the following applicable value:

- 1) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) below, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) below or the Tank Level 2 controls specified in subsection (d) below.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

- iA) For a tank design capacity is equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure limit for the tank is must be less than 5.2 kpa (0.75 psia or 39 mm Hg);
 - iB) For a tank design capacity is equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure limit for the tank is must be less than 27.6 kpa (4.0 psia or 207 mm Hg); or
 - ii) For a tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure limit for the tank is must be less than 76.6 kpa (11.1 psia or 574 mm Hg).
- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed vent system connected to a control device:
- 1) The cover must be designed and operated to meet the following requirements:
 - A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position;
 - B) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all

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ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendation; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other

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requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof Sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (l) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) below;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) below;

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) below;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) below; or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) below.

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- e) The owner or operator that controls air pollutant emissions from a tank using a fixed-roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) below.
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
- ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.
- C) The internal floating roof must meet the following specifications:
- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
- iv) Each automatic bleeder vent and rim space vent must be gasketed.
- v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

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- C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects included, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.
- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) below:
- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
- ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) above for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) above, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal

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floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) below.

- ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) below.

- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:

- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed

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so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.

- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).

- C) The external floating roof must meet the following specifications:

- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

- ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

- iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

- iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

- v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

- vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

- vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

- viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.

- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

- 2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

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- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
- D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
- F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
- H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
- i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) above.
 - iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) below.
 - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) below, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of

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- this Section.
- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
 - iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
 - iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) above, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) above, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received

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by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.

- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

- D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv) of this Section:

- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/8-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) correspond with 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois

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Administrative Code format requirements.

- g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) below.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
 - B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
 - C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
 - D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:
- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities

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include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- i) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

1) The tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere

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except in the event that a safety device, as defined in Section 725.981, is required to open to avoid an unsafe condition.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in subsections (i)(1) through (i)(4) below.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) above.

4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (i)(2) below, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The requirements of subsection (j)(1) above do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point

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of waste origination.
 B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(C)(2).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

l) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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a) The provisions of this ~~this~~ Section apply ~~applies~~ to the control of air pollutant emissions from ~~owners--and--operators--of~~ surface impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control. ~~Subject-to-this Subpart--into--which--any--hazardous--waste--is--placed--except--for--the following--surface--impoundments.~~

1) ~~A surface-impoundment-in-which-all-hazardous-waste--entering--the surface--impoundment--meets--the--conditions--specified--in--Section 725.983(e)?--or~~

2) ~~A surface-impoundment-used-for-biological-treatment-of--hazardous waste--in--accordance--with--the--requirements--of--Section 725.983(e)?(2)?(4)?~~

b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following: ~~place--the--hazardous--waste--into--a--surface--impoundment equipped--with--a--cover--(e.g.,--an-air-supported-structure--or--a-rigid cover)--that--is--vented--through--a--closed--vent-system--to--a--control-device meeting--the--requirements--specified--in--subsection--(d)--below.~~

1) A floating membrane cover in accordance with the provisions specified in subsection (c) below; or

2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) below.

c) ~~As--an--alternative--to--complying--with--subsection--(b)--above--an--owner--or operator--may--place--hazardous--waste--in--a--surface--impoundment--equipped with--a--floating-membrane-cover--meeting--the--requirements--specified--in subsection--(e)--below--when--the--hazardous--waste--is--determined--to--meet all--of--the--following--conditions:~~

1) ~~The--hazardous--waste--is--neither--mixed--stirred--agitated--nor circulated--within--the--surface--impoundment--by--the--owner--or operator--using--a--process--that--results--in--splashing--frothing--or visible-turbulent-flow-on-the-waste-surface-during-normal-process operations;~~

2) ~~The--hazardous--waste--in--the--surface--impoundment--is--not--heated--by the--owner--or--operator--and~~

3) ~~The--hazardous--waste--in--the--surface--impoundment--is--not--treated--by the--owner--or--operator--using--a--waste-stabilization-process--or--a process--that--produces--an-exothermic-reaction.~~

d) ~~to--comply--with--subsection--(b)(1)--above--the--owner--or--operator--shall design--install--operate--and--maintain--a--cover--that--vents--the--organic vapors--emitted--from--hazardous--waste--in--the--surface--impoundment--through a--closed-vent-system--connected--to--a--control-device.~~

1) ~~The--cover--must--be--designed--installed--operated--and--maintained to--meet--the--following--requirements:~~

A) ~~The--cover--and--all--cover--openings--(e.g.,--access-hatches, sampling-ports--and--gauge-wells)--must--be--designed--to--operate with--no--detectable--organic--emissions--when--all--cover--openings are--secured--in--a--closed--seated--position.~~

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- B) Each cover opening must be secured in the closed, sealed position (e.g. covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below:
- C) The closed vent system and control device must be designed and operated in accordance with Section 725.988.
- E) To comply with subsection (c) above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the following requirements:
- i) The floating membrane cover must be designed, installed, and operated such that at all times when hazardous waste is in the surface impoundment, the entire surface area of the hazardous waste is enclosed by the cover and any air spaces underneath the cover are not vented to the atmosphere except during conditions specified in subsection (h) below.
 - ii) The floating membrane cover and all cover openings (e.g. access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.
- 3) Each cover opening must be secured in a closed, sealed position (e.g. covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except as provided for in subsection (g)(1) through (g)(3) below:
- 4) The synthetic membrane material used for the floating membrane cover must be either:
- A) High density polyethylene with a thickness no less than .5 mm; or
 - B) A material of a composite of different materials determined to have the following properties:
 - i) Organic permeability properties that are equivalent to those of the material specified in subsection (e)(1)(A) above; and
 - ii) Chemical and physical properties that maintain the material integrity for as long as the cover is in use. Factors that must be considered in selecting the material include: the effects of contact with the waste managed in the impoundment, weather exposure, and cover installation and operation practices.
- F) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (f)(1) or (f)(2) below: BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed system"; the Board intends that this meaning be included in the use of that term for the purposes of this Subpart.
- i) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the

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- conditions specified in Section 725.983(c) and transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c).
- g) Each cover opening must be secured in the closed, sealed position (e.g. covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:
- i) Add, remove, inspect, or sample the material in the surface impoundment;
 - ii) Inspect, maintain, repair, or replace equipment located underneath the cover;
 - iii) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.104; or
 - iv) Vent gases or vapors from the surface impoundment to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.
- h) One or more safety devices that vent directly to the atmosphere may be installed on the cover closed vent system or control device provided each device meets all of the following conditions:
- i) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed vent system connected to a control device; and
 - ii) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover closed vent system or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) below.
- 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
- A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane material that is either:
 - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or
 - ii) A material or a composite of different materials

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determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) above and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) below, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate when that the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

- i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the

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closure device in the closed position, as applicable.
ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) below.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the

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cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d).

- C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

- i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The surface impoundment cover and its closure devices must

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be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

- e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) below, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.

- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).

- f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection

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(c)(3) or (d)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) below.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.987 Standards: Containers

- a) The provisions of this this Section apply applies to the control of air pollutant emissions from owners-and-operators-of containers for which Section 725.983(b) references the use of this Section for such air emission control, having design capacities greater than 0.1 m³ (3.5-ft³) or 26.4-gal, subject to this Subpart into which any hazardous waste is placed, except for a container in which all hazardous waste entering the container meets the conditions specified in Section 725.983(c).
- b) An owner or operator shall manage hazardous waste in containers using the following procedures:
 - i) The owner or operator shall place the hazardous waste into one of

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the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:

- A) A container that is equipped with a cover that operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 49 CFR 607 appendix A7 incorporated by reference in 35 Ill. Adm. Code 720.117, the first-time any portion of the hazardous waste is placed into the container. If a leak is detected and cannot be repaired immediately, the hazardous waste must be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.
- B) A container having a design capacity less than or equal to 0.46 m³ (16.2-ft³) or 12.5 gal that is equipped with a cover and complies with all applicable U.S. Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.117:
 - i) A container that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR 178 regulations, except as noted in subsection (b)(1)(B)(i) above.
 - ii) A lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).
- E) A container that is attached to or forms a part of any truck, trailer or railcar and that has been demonstrated within the preceding 12 months to be organic vapor tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched). For the purpose of meeting the requirements of this subsection, a container is organic vapor tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psig) or 5.6 mm Hg within 5 minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig) or 33.7 mm Hg. This condition is to be demonstrated using the pressure test specified in Method 27 of 49 CFR 607 appendix A7 incorporated by reference in 35 Ill. Adm. Code 720.117 and a pressure measurement device that has a precision of \pm 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor

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tightness:

- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process or any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction must meet the following requirements:
- A) Whenever it is necessary for the container to be open during the treatment process, the container must be located inside an enclosure that is vented through a closed vent system to a control device.
- B) The enclosure must be a structure that is designed and operated in accordance with the following requirements:
- i) The enclosure must be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed vent system to the control device.
- ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure must be maintained at a pressure below atmospheric pressure such that whenever an open container is placed inside the enclosure, no organic vapors are released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.
- C) The closed vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 12.5 gal) shall meet the following requirements:
- A) Hazardous waste transfer by pumping must be performed using a conveyance system that uses a tube (e.g. 7 pipe hose) to add the waste into the container. During transfer of the waste into the container, the cover must remain in place and all container openings must be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube must be positioned in a manner such that either the:
- i) Tube outlet continuously remains submerged below the

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- waste surface at all times waste is flowing through the tube.
- ii) Lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.0 in) or 6.0 in, whichever distance is greater, from the bottom of the container at all times waste is flowing through the tube or
- iii) Tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.0 in) from the container bottom.
- B) Hazardous waste transferred by a means other than pumping must be performed such that during transfer of the waste into the container the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.
- C) Each container opening must be maintained in a closed, sealed position (e.g. covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:
- Add, remove, inspect, or sample the material in the container.
- Inspect, maintain, repair, or replace equipment located inside the container, or
- 3) Vent gases or vapors from a cover located over or enclosing an open container to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.
- d) One or more safety devices that vent directly to the atmosphere may be used on the container cover enclosure closed vent system or control device provided each device meets all of the following conditions:
- i) The safety device is not used for planned or routine venting of organic vapors from the container cover enclosure or closed vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the container cover enclosure, closed vent system, or control device in accordance with good engineering and safety practices for handling flammable combustible explosive or other hazardous materials. An example of an unplanned event is a sudden power outage.
- b) General requirements.
- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except

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when the special provisions for waste stabilization processes specified in subsection (b)(2) below apply to the container.

A) For a container having a design capacity greater than 0.1m(3) (26 gal) and less than or equal to 0.46m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

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2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) above must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on

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- empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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- 4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:
- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)) within 24 hours after the container is accepted at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) below.
- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) below.
- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.
- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.
- d) Container Level 2 standards.
- 1) A container using Container Level 2 controls is one of the following:
- A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f).

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of this Section.

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person

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performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable

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regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)) within 24 hours after the container arrives at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) below.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) below.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage

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hazardous waste until the defect is repaired.

e) Container Level 3 standards.
1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) below.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) below.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) above.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49

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CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

- 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) below.

- 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

- g) The owner or operator shall use the procedure specified in Section 725.984(d) for determining a container operates with no detectable organic emissions for the purpose of complying with subsection (d)(1)(B) of this Section.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.

- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) A pressure measurement device must be used that has a precision of 0.125 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for

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- 3) vapor tightness.
If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.988 Standards: Closed-vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

- b) The closed-vent system must meet the following requirements:

- 1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.

- 2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j).

- 3) When if the closed-vent system includes contains--one--or--more bypass devices that could be used to divert air--or--a--portion--of the gases or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) below or a seal or locking device as specified in subsection (b)(3)(B) below. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices. vapors--or--fumes--from--entering--the--control--device--the owner--or--operator--shall--meet--the--following--requirements:

- A) For--each--bypass--device--except--as--provided--for--in--subsection (b)(3)(B)--below, the owner--or--operator--shall--either:

- i) install--calibrate,--maintain,--and--operate--a--flow indicator--at--the--inlet--to--the--bypass--device--that indicates--at--least--once--every--15--minutes--whether--gas vapor--or--fume--flow--is--present--in--the--bypass--device; or

- ii) Secure--the--valve--installed--at--the--inlet--to--the--bypass device--in--the--closed--position--using--a--car--seat--or--a lock--and--key--type--configuration--the--owner--or--operator shall--visually--inspect--the--seal--or--closure--mechanism at--least--once--every--month--to--verify--that--the--valve--is maintained--in--the--closed--position.

- B) Blow--leg--drains--high--point--bleeds,--analyzer--vents

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~~open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above.~~

A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with this subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(k).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

- A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
- An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or
- A flare designed and operated in accordance with the requirements of Section 725.933(d).

2) ~~The control device must be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.~~

2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(G) below.

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) above for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) above for control devices do not apply during a control device system malfunction.

D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 725.930(e)(1)(B).

E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

B) All carbon removed from the control device must be managed in accordance with the requirements of Section 725.933(m).

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above as follows:

A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:

- A flare;
- A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

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- iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
- iv) A boiler or industrial furnace process-heater burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.703¹ and 705 and has that--is designed and operates in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
- v) A boiler or industrial furnace process-heater burning hazardous waste for which the owner or operator has designed and operates in accordance certified compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis must meet the requirements specified in Section 725.933(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

7) The control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in 35 Ill. Adm. Code 265.933(f)(2) and (k). The readings from each monitoring device required by 35 Ill. Adm. Code 265.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 725.989 Inspection and Monitoring Requirements

- a) The this--Section--applies--to--an owner or operator shall inspect and monitor using air emission control equipment used to comply with this Subpart controls in accordance with the requirements specified in of Sections 725.985 through 725.988.
- b) Each--cover--used--in--accordance--with--requirements--of--Sections--725-985 through--725-987--must--be--visually--inspected--and--monitored--for detectable--organic--emissions--by--the--owner--or--operator--using--the procedure--specified--in--subsection--(f)--below--except--as--follows:
- 1) An--owner--or--operator--is--exempted--from--performing--the--cover inspection--and--monitoring--requirements--specified--in--subsection (f)--below--for--the--following--tank--covers:
- A) A---tank---internal---floating---roof---that---is---inspected---and monitored---in---accordance---with---the---requirements---of---Section 725-991;--or
- B) A---tank---external---floating---roof---that---is---inspected---and monitored---in---accordance---with---the---requirements---of---Section 725-991;
- 2) If--a--tank--is--buried--partially--or--entirely--underground,--an--owner or--operator--is--required--to--perform--the--cover--inspection--and monitoring--requirements--specified--in--subsection--(f)--below--only for--those--portions--of--the--tank--cover--and--those--connections--to--the tank--cover--or--tank--body--(e.g.,--fill--ports,--access--hatches,--gauge wells,--etc.)--that--extend--to--or--above--the--ground--surface--and--can be--opened--to--the--atmosphere;
- 3) An--owner--or--operator--is--exempted--from--performing--the--cover inspection--and--monitoring--requirements--specified--in--subsection (f)--below--for--a--container--that--meets--all--requirements--specified in--either--Section--725-987(b)(1)B) or--(b)(1)(C);
- 4) An--owner--or--operator--is--exempted--from--performing--the--cover inspection--and--monitoring--requirements--specified--in--subsection (f)--below--for--an--enclosure--used--to--control--air--emissions--from containers--in--accordance--with--the--requirements--of--Section 725-987(b)(2);
- b) The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) above. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 265.115.
- c) Each--closed--vent--system--used--in--accordance--with--the--requirements--of Section--725-988--must--be--inspected--and--monitored--by--the--owner--or operator--in--accordance--with--the--procedure--specified--in--Section 725-933(f);
- d) Each--control--device--used--in--accordance--with--the--requirements--of Section--725-988--must--be--inspected--and--monitored--by--the--owner--or operator--in--accordance--with--the--procedure--specified--in--Section 725-933(f);

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- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 725.115.
- f) Inspection and monitoring of a cover in accordance with the requirements of subsection (b) above must be performed as follows:
- 1) The cover and all cover openings must be initially visually inspected and monitored for detectable organic emissions on or before the date that the tank surface impoundment or container using the cover becomes subject to the provisions of this Subpart and at other times as requested by the Agency.
 - 2) At least once every 6 months following the initial visual inspection and monitoring for detectable organic emissions required under subsection (f)(1) above, the owner and operator shall visually inspect and monitor the cover and each cover opening except for following cover openings:
 - A) A cover opening that has continuously remained in a closed/sealed position for the entire period since the last time the cover opening was visually inspected and monitored for detectable emissions;
 - B) A cover opening that is designated as unsafe to inspect and monitor in accordance with subsection (f)(5) below;
 - C) A cover opening on a cover installed and placed in operation before December 6, 1994 that is designated as difficult to inspect and monitor in accordance with subsection (f)(6) below.
 - 3) To visually inspect a cover, the owner or operator shall view the entire cover surface and each cover opening in a closed/sealed position for evidence of any defect that may affect the ability of the cover or cover opening to continue to operate with no detectable organic emissions. A visible hole, gap, tear, or split in the cover surface or a cover opening is defined as a leak that must be repaired in accordance with subsection (f)(7) below.
 - 4) To monitor a cover for detectable organic emissions, the owner or operator shall use the following procedure:
 - A) Method 21 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to test each cover seal and cover connection for detectable organic emissions.
 - Seals on floating membrane covers must be monitored around the entire perimeter of the cover at locations spaced no greater than 3 meters apart.
 - B) For all cover connections and seals except for the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates detectable organic emissions (i.e., an instrument concentration reading greater than 500 ppmv plus the background level), then a leak is

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- detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
- e) For the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates a concentration reading greater than 10,000 ppmv, then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
- 5) An owner or operator may designate a cover as an unsafe to inspect and monitor cover if all of the following conditions are met:
 - A) The owner or operator determines that inspection or monitoring of the cover would expose a worker to dangerous hazardous or other unsafe conditions;
 - B) The owner or operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and monitor the cover using the procedure specified in subsection (f)(4) below as frequently as practicable during those times when a worker can safely access the cover.
- 6) An owner or operator may designate a cover installed and placed in operation before December 6, 1994, as a difficult to inspect and monitor cover if all of the following conditions are met:
 - A) The owner or operator determines that inspection or monitoring of the cover requires elevating a worker to a height greater than 2 meters (6.6 ft) above a support surface and the owner and operator develop and implement a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and to monitor the cover using the procedure specified in subsection (f)(4) above at least once per calendar year.
- 7) When a leak is detected by either of the methods specified in subsection (f)(3) or (f)(4) above, the owner or operator shall repair the leak in the following manner:
 - A) The owner or operator shall make a first attempt at repairing the leak no later than 5 calendar days after the leak is detected. Repair of the leak must be completed as soon as practicable but no later than 15 calendar days after the leak is detected. If repair of the leak cannot be completed within the 15-day period except as provided in subsection (f)(7)(b) below, then the owner or operator shall not add hazardous waste to the tank surface impoundment or container on which the cover is installed until the repair of the leak is completed.
 - B) Repair of a leak detected on a cover installed on a tank or surface impoundment may be delayed beyond 15 calendar days if the owner or operator determines that both of the following conditions occur:
 - 1) Repair of the leak requires first emptying the

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- contents of the tank or surface impoundment; and
- ii) temporary removal of the tank or surface impoundment from service will result in the unscheduled cessation of production from the process unit or operation of the waste management unit that is generating the hazardous waste managed in the tank or surface impoundment;
- iii) Repair of a leak determined by the owner or operator to meet the conditions specified in subsection (f)(7)(B) above must be performed at the next time the process system or waste management unit that is generating the hazardous waste managed in the tank or surface impoundment stops operation for any reason;

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.990 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information specified in subsections (b) through (i) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) below, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (i) of this Section must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 264.984 through 264.987, in accordance with the conditions specified in Section 724.984(d).

- i) Documentation for each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in Section 725.991(e);

- 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 725.986(f) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(f);

- 3) Documentation for each enclosure used to control air emissions

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from containers in accordance with the requirements of Section 725.987(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design and certification by the owner or operator that the enclosure meets the specifications listed in Section 725.987(b)(2)(B);

- 4) Documentation for each closed vent system and control device installed in accordance with the requirements of Section 725.988 that includes:

- A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (a)(4)(B) below or by performance tests as specified in subsection (a)(4)(C) below; when the tank surface impoundment or container is or would be operating at capacity or the highest level reasonably expected to occur;

- B) If a design analysis is used, then design documentation as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications;

- C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results. Information as required by Sections 725.935(e)(1) and 725.935(c)(2);

- 5) Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 725.987(b)(1)(E);

- 6) Records for all visual inspections conducted in accordance with the requirements of Section 725.989;

- 7) Records for all monitoring for detectable organic emissions conducted in accordance with the requirements of Section 725.989;

- 8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair;

- 9) Records for all continuous monitoring conducted in accordance with the requirements of Section 725.989;

- 10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B);

- 11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or (b)(3) that includes information as listed in Section 725.991(e);

- b) The owner or operator of a tank using electing to use air emission controls for a tank in accordance with the requirements of conditions

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specified in Section 725.985(c) shall prepare and maintain records for the tank that include record the following information:

1) The--date--and--time--each--waste--sample--is--collected--for--direct measurement--of--maximum--organic--vapor--pressure--in--accordance--with Section--725.984(c):

1) For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart, the owner or operator shall record:

A) A tank identification number (or other unique identification description as selected by the owner or operator).

B) A record for each inspection required by Section 725.985 that includes the following information:

i) Date inspection was conducted.

ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

2) The--results--of--each--determination--for--the--maximum--organic--vapor pressure--of--the--waste--in--the--tank--performed--in--accordance--with Section--725.984(c):

2) In addition to the information required by subsection (b)(1) above, the owner or operator shall record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design.

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the

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seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.

3) The--records--specifying--the--tank--dimensions--and--design--capacity--An--owner--or--operator--electing--to--use--air--emission--controls--for--a--tank in--accordance--with--the--requirements--of--Section--725.981--shall--record the--information--required--by--Section--725.984(c):

C) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include the following information:

1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).

2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).

3) A record for each inspection required by Section 725.986 that includes the following information:

A) Date inspection was conducted.

B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record

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the reason for the delay and the date that completion of repair of the defect is expected.

- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) below.

d) An owner or operator electing not to use air emission controls for a particular tank, surface impoundment, or container subject to this Subpart in accordance with the conditions specified in Section 725.983(f) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984.

d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:

- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) below.

e) An owner or operator electing to comply with requirements in accordance with Section 725.983(c)(2)(B) or (c)(2)(F) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:

- 1) Documentation for the closed-vent system and control device that includes:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) below or by performance tests as specified in subsection (e)(1)(C) below when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation, as specified in 35 Ill. Adm. Code 265.935(b)(4). The documentation must include information prepared by the owner

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or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with 35 Ill. Adm. Code 265.1035(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan as specified in Section 265.935(b)(3) and all test results.

D) Information as required by 40 CFR 265.1035(c)(1) and Section 725.935(c)(2), as applicable.

E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) below for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) below for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) The occurrence and duration of each malfunction of the control device system.

ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

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f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or (c)(2) of this Subpart, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984 of this Subpart.

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(vii) or Section 725.983(c)(2)(viii) of this Subpart, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(l) 725-989(f)(5)-or-difficult-to-inspect-and-monitor-pursuant-to-Section-725-989(f)(6) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

1) A-list-of-identification-numbers-for-tanks-with-covers-that-are designated-as-unsafe-to-inspect-and-monitor-in-accordance-with the-requirements-of-Section-725-989(f)(5)-an-explanation-for each-cover-stating-why-the-cover-is-unsafe-to-inspect-and monitor-and-the-plan-and-schedule-for-inspecting-and-monitoring each-cover-

2) A-list-of-identification-numbers-for-tanks-with-covers-that-are designated-as-difficult-to-inspect-and-monitor-in-accordance-with the-requirements-of-Section-725-989(f)(6)-an-explanation-for each-cover-stating-why-the-cover-is-difficult-to-inspect-and monitor-and-the-plan-and-schedule-for-inspecting-and-monitoring each-cover-

g) All-records-required-by-subsections-(a) through-(f)-above-except-as required-in-subsections-(a)(1) through-(a)(4)-above-must-be maintained-in-the-operating-record-for-a-minimum-of-3-years-All records-required-by-subsections-(a)(1) through-(a)(4)-above-must-be maintained-in-the-operating-record-until-the-air-emission-control equipment-is-replaced-or-otherwise-no-longer-in-service-

h) The owner or operator of a facility that is subject to this Subpart

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and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator shall record and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).

2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

C) For containers used at the facility to manage these hazardous wastes, sufficient information must be provided to describe: A facility identification number for the container or group of containers; the purpose and placement of this container, or group of containers, in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) above in the tanks or containers identified pursuant to subsection (i)(2) above would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:

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- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section 725.985(f), would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section 725.987(d), would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 725.991 Alternative Tank Emission Control Requirements (Repealed)

- a) This Section applies to owners and operators of tanks electing to comply with Section 725.985(b)(2) or (b)(3):
- i) The owner or operator electing to comply with Section 725.985(b)(2) shall design, install, operate, and maintain a fixed roof and internal floating roof that meet the following requirements:
- A) The fixed roof must comply with the requirements of Section 725.985(d)(1); the internal floating roof must rest or float on the waste surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof. The internal floating roof must be floating on the waste surface at all times, except during initial fill and during those intervals when the tank is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be accomplished as rapidly as possible.

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- B) Each internal floating roof must be equipped with one of the following closure devices between the wall of the tank and the edge of the internal floating roof:
- i) A foam or liquid-filled seal mounted in contact with the waste liquid-mounted seal. A liquid-mounted seal means a foam or liquid-filled seal mounted in contact with the waste between the wall of the tank and the floating roof continuously around the circumference of the tank.
- ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the tank and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.
- iii) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the tank by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
- C) Each opening in a noncontact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the waste surface:
- B) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid must be equipped with a gasket. Covers on each access hatch and automatic gauge float well must be bolted, except when they are in use.
- B) Automatic bleeder vents must be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
- F) Rim space vents must be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
- G) Each penetration of the internal floating roof for the purpose of sampling must be a sample well. The sample well must have a sit fabric cover that covers at least 90 percent of the opening.
- H) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- I) Each penetration of the internal floating roof that allows

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for passage of a ladder must have a gasketed sliding cover. The owner or operator electing to comply with Section 725.985(b)(3) shall design, install, operate and maintain an external floating roof that meets the following requirements:

- A) Each external floating roof must be equipped with a closure device between the wall of the tank and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal.
- i) The primary seal must be either a mechanical shoe seal or a liquid mounted seal. Except as provided in subsection (b)(2)(B) below, the seal must completely cover the annular space between the edge of the floating roof and tank wall.

ii) The secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except as allowed in subsection (b)(2)(B) below.

B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof must provide a projection below the waste surface. Except for automatic bleeders, venter, rim space venter, roof drain, and tie sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap), except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

e) The roof must be floating on the waste at all times (i.e., off the roof leg supports), except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying or refilling when the roof is resting on the leg supports must be continuous and must be accomplished as rapidly as possible.

3) The owner or operator may elect to comply with Section 725.985(b)(2) or (b)(3) using an alternative means of emission limitation for which U.S. EPA has published a Federal Register notice in accordance with the requirements of 40 CFR 60.114b permitting its use as an alternative means for the purpose of compliance with 40 CFR 60.114b.

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b) Monitoring and inspection of the control equipment described in subsection (a) above must be conducted as follows:

i) After installation, owners and operators of internal floating roofs shall:

A) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service) prior to filling the tank with waste. If there are holes, tears or other openings in the primary seal, the secondary seal, or the seal fabric, or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the tank.

B) For tanks equipped with a liquid mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not tested on the surface of the waste inside the tank or there is liquid accumulated on the roof, or the seal is detached or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the tank from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 35 Ill. Adm. Code 100. and it must document that alternate capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.

e) For tanks equipped with a double seal system as specified in subsection (a)(1)(A)(ii) above:

i) Visually inspect the tank as specified in subsection (b)(1)(B) below, at least every 5 years, or

ii) Visually inspect the tank as specified in subsection (b)(1)(B) above.

B) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears or other openings in the seal or the seal fabric, the secondary seal has holes, tears or other openings in the seal or the seal fabric, the gaskets no longer close off the waste surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the

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items as necessary, so that none of the conditions specified in this subsection exist before refilling the tank with waste. In no event may inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of tanks conducting the annual visual inspection as specified in subsection (b)(1)(B) above or at intervals no greater than 5 years in the case of tanks specified in subsection (b)(1)(C) above.

- B) Notify the Agency in writing at least 30 days prior to the filling or refilling of each tank for which an inspection is required by subsections (b)(1)(A) and (b)(1)(B) above, to afford the Agency the opportunity to have an observer present. If the inspection required by subsection (b)(1)(B) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.

- 2) After installation, the owner or operator of an external floating roof shall:

- A) Determine the gap areas and maximum gap widths between the primary seal and the wall of the tank and between the secondary seal and the wall of the tank according to the following frequency:

- i) Measurements of gaps between the tank wall and the primary seal (seal gaps) must be performed during the hydrostatic testing of the tank or within 60 days of the initial fill with waste and at least once every five years thereafter.
 - ii) Measurements of gaps between the tank wall and the secondary seal must be performed within 60 days of the initial fill with waste and at least once per year thereafter.
 - iii) If any tank ceases to hold waste for a period of one year or more, subsequent introduction of waste into the tank must be considered an initial fill for the purposes of subsections (b)(2)(A)(i) and (b)(2)(A)(ii) above.
- B) Determine the gap widths and areas in the primary and secondary seals individually by the following procedures:
- i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

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- ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.93 cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

- iii) Determine the total surface area of each gap described in subsection (b)(2)(B)(i) above by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

- E) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in subsection (b)(2)(B) below.

- B) Make necessary repairs or empty the tank within 45 days of identification in any inspection for seals not meeting the following requirements:

- i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal must not exceed 212 cm² per meter (10.9 in² per foot) of tank diameter, and the width of any portion of any gap must not exceed 3.81 cm (1.50 in). One end of the mechanical shoe is to extend into the waste contained in the tank, and the other end is to extend a minimum vertical distance of 61 cm (24.0 in) above the waste surface. There are to be no holes, tears or other openings in the shoe, seal, fabric or seal envelope.

- ii) The secondary seal is to meet the following requirements: The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subsection (b)(2)(B)(iii) above. The accumulated area of gaps between the tank wall and the secondary seal must not exceed 212 cm² per meter (10.9 in² per foot) of tank diameter, and the width of any portion of any gap must not exceed 1.27 cm (0.500 in). There are to be no holes, tears or other openings in the seal or seal fabric.

- B) If a failure that is detected during inspections required in subsection (b)(2)(A) above cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must

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comply with 95-111, Adm. Code 180, and it must include a demonstration of the unavailability of alternate capacity and a specification of a schedule that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.

F) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(2)(A) above, to afford the Agency the opportunity to have an observer present.

G) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

I) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the tank with water.

I) For all the inspections required by this subsection, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or refilling of each tank to afford the Agency the opportunity to inspect the tank prior to refilling. If the inspection required by (b)(2)(G) of this Section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least seven days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least seven days prior to the refilling.

C) Owners and operators that elect to install and operate the control equipment in subsection (A) above shall include the following information in the operating record in accordance with the requirements of Section 725.990(a)(1) and (a)(11):

I) Internal floating roof.

A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(1) and (b)(1) above.

B) Records of each inspection performed as required by subsections (b)(1)(A) through (b)(1)(B) above. Each record must identify the tank on which the inspection was performed

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and must contain the date the tank was inspected and the observed condition of each component of the control equipment (seal, internal floating roof, and fittings).

E) If any of the conditions described in subsection (b)(1)(B) above are detected during the annual visual inspection required by subsection (b)(1)(B) above, the records must identify the tank, the nature of the defects, and the date the tank was emptied or the nature of and date the repair was made.

B) After each inspection required by subsection (b)(1)(E) above that finds holes or tears in the seal or seal fabric or defects in the internal floating roof or other control equipment defects listed in subsection (b)(1)(B) above, the records must identify the tank and the reason it did not meet the specifications of subsection (a)(1) or (b)(1)(C) above and describe each repair made.

2) External floating roof.

A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(2) and (b)(2)(B) through (b)(2)(B) above.

B) Records of each gap measurement performed as required by subsection (b)(2) above. Each record must identify the tank in which the measurement was performed, the date of measurement, the raw data obtained in the measurement, and the calculations described in subsections (b)(2)(B) and (b)(2)(C) above.

E) Records for each seal gap measurement that detects gaps exceeding the limitations specified by subsection (b)(2)(B) above that identifies the tank, the date the tank was emptied or the repairs made, and the nature of the repair.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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Section 725, APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X
(at 25°C)

Compound name	CAS No.
Acetaldoi	107-89-1
Acetamide	60-35-5
1-Acetyl-2-thiourea	591-08-2
3-Acetyl-5-hydroxypiperidine	
2-Acetylaminofluorene	53-96-3
3-Acetylpipecidine	618-42-8
Acrylamide	79-06-1
Acrylic acid	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Adiponitrile	111-69-3
Alachlor	15972-60
Aldicarb	116-06-3
Ametryn	
4-Aminobiphenyl	92-67-1
4-Aminopyridine	504-24-5
Aniline	62-53-3
O-Anisidine	90-04-0
Anthraquinone	84-65-1
Atrazine	1912-24-9
Benzenearsonic acid	98-05-5
Benzenesulfonic acid	98-11-3
Benzidine	92-87-5
Benzo(a)anthracene	56-55-3
Benzo(a)pyrene	50-32-8
Benzo(ghi)perylene	191-24-2
Benzo(k)fluoranthene	207-08-9
Benzoic acid	65-85-0
Benzyl alcohol	100-51-6
gamma-BHC	58-89-9
bis(2-Ethylhexyl)phthalate	117-81-7
Bromochloromethyl acetate	
Bromoxynil	
Butyric acid	107-92-6
Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol	120-80-9
Cell wall	
Cellulose (carboxymethylcellulose)	9000-11-7
2-Chloroacetophenone	93-76-5
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	
p-Chloro-m-cresol	59-50-7
Chloroacetic acid	79-11-8

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p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0
Chlorobenzylate	510-15-6
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
4-Chlorophenol	106-48-9
Chlorophenol polymers	
1-(o-Chlorophenyl)thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-
Cresol (mixed isomers)	1319-77-3
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
4-Cumylphenol	27576-86
Cyanide	57-12-5
4-Cyanomethyl benzoate	
Diazinon	
Dibenzo(a,h)anthracene	53-70-3
3,5-Dibromo-4-hydroxybenzonitrile	1689-84-5
Dibutylphthalate	84-74-2
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichloroaniline (N,N-dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,5-Dichlorophenol	
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos	
Diethanolamine	
N,N-Diethylaniline	91-66-7
Diethyl phosphorothioate	126-75-0
N,N-Diethylpropionamide	15299-99
Diethylene glycol	111-46-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N-Diethylhydrazine	
Diethylthiophosphate benzo-m-ethyl-p-ether	
Dimethoate	
2,3-Dimethoxystyrychnidin-10-one	60-51-5
Dimethylcarbamoyl chloride	357-57-3
Dimethyl disulfide	
Dimethylformamide	624-92-0
Dimethylphthalate	68-12-2
	131-11-3

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4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7
1,1-Dimethylhydrazine	57-14-7
Dimethylsulfone	
Dimethylsulfoxide	67-68-5
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
mono-Ethanolamine	141-43-5
Ethyl carbamate (urthane)	5-17-96
Ethyl morpholine (ethyl diethylene oxime)	
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethyleneglycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
3-Ethylphenol	62-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	7-51-27
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycinamide	598-41-4
Glyphosate	
Guthion	
Gylcidol	556-52-5
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile	109-78-4
Indeno(1,2,3-cd)pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5

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Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77
p-Methoxyphenol	150-76-5
1-Methyl-2-methoxyaziridine	
Methylacrylate	96-33-3
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
Methylene diphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4-Methylenedianiline	101-77-9
Methylene diphenylamine (MDA)	
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyliminodiacetic acid	
Methylparathion	298-00-0
Methyl sulfuric acid	77-78-1
4-Methylthiophenol	106-45-6
Monomethyl formamide (n-methylformamide)	123-39-7
Nabam	
alpha-Naphthol	90-15-3
beta-Naphthol	135-19-3
alpha-Naphthylamine	134-32-7
beta-Naphthylamine	91-59-8
Neopentyl glycol	126-30-7
Niacinamide	98-92-0
o-Nitroaniline	88-74-4
Nitroglycerin	55-63-0
2-Nitrophenol	88-75-5
4-Nitrophenol	100-02-7
N-Nitroso-n-methylurea	684-93-5
N-Nitrosodimethylamine	62-75-9
Nitrosoguanidine	674-81-7
N-Nitrosomorpholine (4-nitrosomorpholine)	59-89-2
Oxalic acid	144-62-7
Parathion	56-38-2
Pentaerythritol	115-77-5
Phenacetin	62-44-2
Phenol	108-95-2
Phenyl mercuric acetate	62-38-4
Phenylacetic acid	103-82-2
m-Phenylene diamine	108-45-2
o-Phenylene diamine	95-54-5
p-Phenylene diamine	106-50-3
Phorate	298-02-2
Phthalic anhydride	85-44-9
alpha-Picoline (2-methyl pyridine)	109-06-8

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1,3-Propane sulfone	1120-71-4
beta-Propiolactone	57-57-8
Proporur (Baygon)	
Propylene glycol	
Pyrene	57-55-6
Pyridinium bromide	129-00-0
Quinoline	91-22-5
Quinone (p-benzoquinone)	106-51-4
Resorcinol	108-46-3
Simazine	122-34-9
Sodium acetate	127-09-3
Sodium formate	141-53-7
Strychnine	57-24-9
Succinic acid	110-15-6
Succinimide	123-56-8
Sulfanilic acid	121-47-1
Terephthalic acid	100-21-0
Tetraethyldithiopyrophosphate	3689-24-5
Tetraethylenepentamine	112-57-2
Thiofanox	39196-18
Thiosemicarbazide	79-19-6
2,4-Toluene diamine	95-80-7
2,4-Toluene diisocyanate	584-84-9
2,6-Toluenediamine	823-40-5
3,4-Toluenediamine	496-72-0
p-Toluic acid	99-94-5
m-Toluidine	108-44-1
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1
Triethanolamine	102-71-6
Triethylene glycol dimethyl ether	
Tripropylene glycol	24800-44-0
Warfarin	81-81-2
3,4-Xylenol (3,4-dimethylphenol)	95-65-8

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
728.101, 728.102, 728.103	Amended
728.107, 728.109	Amended
728.110	Repealed
728.111	Repealed
728.112	Repealed
728.139, 728.140, 728.144	Amended
728.App. K	New Section
728.Table C, 728.Table T	Amended
728.Table U	Amended
- 4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27
- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995	Corrections to Subpart CC rules.	USEPA
(61 Fed. Reg. 35452)	corrected the docket number in the Federal Register preamble discussion of December 6, 1994.	
July 11, 1995	Addition of test method for testing biodegradability of absorbent materials.	USEPA
(61 Fed. Reg. 35703)	added a test method for testing the	

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biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous

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waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

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April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

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June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments

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relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 728 incorporate the main part of the Phase III LDR and carbamate waste amendments.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No. The existing text of Part 728 includes incorporations by reference, which are centrally located at 35 Ill. Adm. Code 720.111, but the instant amendments do not affect those incorporations.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 728 incorporate the main part of the Phase III LDR and carbamate waste amendments.

- B) Reporting, bookkeeping or other procedures required for compliance:

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The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 728 incorporate the main part of the Phase III LDR and carbamate waste amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section		
728.101	Purpose, Scope and Applicability	
728.102	Definitions	
728.103	Dilution Prohibited as a Substitute for Treatment	
728.104	Treatment Surface Impoundment Exemption	
728.105	Procedures for case-by-case Extensions to an Effective Date	
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C	Subpart
728.107	Waste Analysis and Recordkeeping	
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)	
728.109	Special Rules for Characteristic Wastes	

SUBPART B: SCHEDULED FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Solvent Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes
728.133	Waste Specific Prohibitions -- First Third Wastes
728.134	Waste Specific Prohibitions -- Second Third Wastes
728.135	Waste Specific Prohibitions -- Third Third Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and

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Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HMTM
728.148	Universal Treatment Standards

SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes
APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract)
APPENDIX C	List of Halogenated Organic Compounds
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to 40 CFR 268.3(c)

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HMTM
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE T	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

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SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste wastes that is are hazardous only because it exhibits they exhibit a hazardous characteristic of hazardous waste and that is are otherwise prohibited from land disposal under this Part is are not prohibited from--land--disposal if the waste wastes:
 - A) Is Are disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
 - B) Does Be not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721, Subpart C at the point of injection;^{7--and}
 - E) If--at-the-point-of-generation--the-injected-wastes--include

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~~B001--High--900--subcategory--wastes--of--B012-B017-pesticide wastes--that--are--prohibited--under--Section--728-117(c)--those wastes--have--been--treated--to--meet--the--treatment--standards--of Section--728-114--prior--to--injection.~~

- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

- A) The waste is managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under 35 Ill. Adm. Code 309; or
B) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
C) The waste is managed in a zero discharge system engaged in Clean Water Act-equivalent treatment, as defined in Section 728.137(a); and
D) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).
- e) The following hazardous wastes are not subject to any provision of this Part:

- 1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
 2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

- 3) Wastes identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated land disposal prohibitions or treatment standards; or

- 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters ~~wastewater--treatment--systems--of commercial--chemical--product--or--chemical--intermediates--that--are ignitable--(B001)--or--corrosive--(B002)--or--that--are--organic constituents--that--exhibit--the--characteristic--of--toxicity (B012-B043)--and--that--contain--underlying--hazardous--constituents--as--defined--in--Section--728-102--of--this--Part~~ are not considered to be prohibited waste and are defined as follows: ~~wastes--be minimis--is--defined--as--losses~~

- A) Losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from

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well-maintained pump packings and seals; sample purging; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or

- B) Decharacterized waste that is injected into Class I nonhazardous wells in which the decharacterized waste's combined volume is less than one percent of the total flow at the wellhead on an annualized basis and no greater than 10,000 gallons per day, and in which any underlying hazardous constituents in the characteristic waste are present at the point of generation at levels less than 10 times the treatment standards found at Section 728.148.

- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulations under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headwork does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.

- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 2) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
 3) Thermostats, as described in 35 Ill. Adm. Code 733.104.
 g) This part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102, or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 728.Subpart D, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section 728.Appendix K.

"Inorganic solid debris" ~~Solid-Debris~~ are nonfriable inorganic

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solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or cave or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996) ~~†1994†~~, or similar regulations in other States with RCRA programs authorized by USEPA ~~†1994†~~ pursuant to 40 CFR 271 (1996) ~~†1994†~~.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet

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weather events.

"Underlying hazardous constituent" means any regulated constituent listed in Section 728. Table U, "Universal Treatment Standards (UTS)", except fluorides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

P0017-P0027-P0037-P0047-and-P005-solvent-water-mixtures-that contain-less-than-1%-by-weight-P006-or-less-than-1%-by-weight total-P0017-P0027-P0037-P0047-and-P005-solvent-constituents listed-in-Table-A.

K017-K013-and-K014-wastewaters-(as-generated)-that-contain less-than-5%-by-weight-P006-and-less-than-1%-by-weight-P005.

K103-and-K104-wastewaters-contain-less-than-4%-by-weight-P006 and-less-than-1%-by-weight-P005.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b) below, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D of this Part, to circumvent the effective date of a prohibition in Subpart C of this Part, to otherwise avoid a prohibition in Subpart C of this Part, or to circumvent a land disposal restriction imposed by RCRA section 3004.

b) Dilution of waste wastes that is are hazardous only because it exhibits they-exhibit a characteristic of hazardous waste in a treatment system that which treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, that or-which treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution

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for purposes of this Section unless a method other than DEACT has been specified in Section 728.140 as the treatment standard in-Section 728.147 or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste codes listed in Section 728. Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;

2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

3) The waste has reasonable heating value, such as greater than or equal to 5000 BTU per pound, at the point of generation;

4) The waste is co-generated with wastes for which combustion is a required method of treatment;

5) The waste is subject to any federal or State requirements necessitating reduction of organics (including biological agents); or

6) The waste contains greater than one percent Total Organic Carbon (TOC).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 728.107 Waste Analysis and Recordkeeping

a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721. Subpart D or if the waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721. Subpart C, the generator shall test its waste, or test an extract using the Toxicity Characteristic Leaching Procedure, Method 1311, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-9-EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste to determine if the waste is restricted from land disposal under this Part. If the generator determines that its waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by CMBST or RORGs of Section 728. Table C of this Part), or the waste displays the characteristic of corrosivity of this Part), or the waste displays the characteristic of reactivity (D002), reactivity (D003), or organic toxicity (D012 through D043), and the waste is prohibited under Sections Section 728.137, or-the waste-displays-the-characteristic-of-organic-toxicity-(D012-through-D043)-and is--prohibited-under-Section 728.138, and 728.139, the generator shall

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determine what underlying hazardous constituents (as defined in Section 728.102), are reasonably expected to be present in the D001, D002, D003, or D012 through D043 waste.

- 1) If a generator determines that it is managing a restricted waste under this Part and the waste does not meet the applicable treatment standards set forth in 728.Subpart D or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, the generator shall send a one-time written notice to each notify the treatment or storage facility in writing with the initial each shipment of waste. No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file. The notice must include the following information:

- A) USEPA 8-S-EPA hazardous waste number;
- B) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F039, D001, D002, D003, and D012 through D043--~~and--wastes--prohibited--pursuant-to-Section 728.132-or-Section-3004(d)-of-the-Resource-Conservation-and-Recovery-Act--referenced-in-Section-728.139.~~ The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102 (d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable;
- C) The manifest number associated with the shipment of waste;
- D) For hazardous debris, the contaminants subject to treatment, as provided by Section 728.145(b), and the following statement: "this hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. code 728.145"; and

E) Waste analysis data, where available;~~7-and~~

- 2) ~~If a generator determines that it is managing a restricted waste under this Part and determines that the waste can be land disposed without further treatment, with the initial each shipment of waste the generator shall submit a one-time written notice and a certification to each the treatment, storage, or land disposal facility stating that the waste meets the applicable treatment standards set forth in 728.Subpart D and setting forth the applicable prohibition levels set forth in Section 728.132 or RCRA Section 3004(d), referenced in Section 728.139. A generator of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e)(2), 35 Ill. Adm. Code 728.103(f)(2), or 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however, is not subject to these notification and certification requirements. If the waste changes, the generator shall send a new notice and~~

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certification to the receiving facility, and place a copy in its files.

- A) The notice must include the following information:

- i) USEPA 8-S-EPA hazardous waste number;
- ii) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F039, D001, D002, D003, and D012 through D043--~~and--wastes prohibited--pursuant-to-Section-728.132-or-Section-3004(d)-of-the-Resource-Conservation-and-Recovery-Act--referenced-in-Section-728.139.~~ The generator must also include whether the waste is a wastewater or nonwastewater (as defined in Section 728.102(d) and (f)), and indicate the subcategory of the waste (such as D003, reactive cyanides), if applicable;
- iii) The manifest number associated with the shipment of waste; and
- iv) Waste analysis data, where available.

- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139, or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3), or a nationwide capacity variance under 40 CFR 268.Subpart C (1996) (1994)), the generator shall submit a one-time written notice with the initial each shipment of the waste to each the facility receiving the generator's waste stating that the waste is not prohibited from land disposal. If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its files. The notice must include the following information:

- A) USEPA 8-S-EPA hazardous waste number;
- B) The waste constituents that the treater will monitor, if

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monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D003, and D012 through D043. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) and (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;

- C) The manifest number associated with the shipment of waste;
- D) Waste analysis data, where available;
- E) For hazardous debris, when using the alternative treatment technologies provided by Section 728.145:
 - i) The contaminants subject to treatment, as provided by Section 728.145(b);
 - ii) An indication that these contaminants are being treated to comply with Section 728.145;

- F) For hazardous debris when using the treatment standards for the contaminating waste(s) in Section 728.140: the requirements described in subsections (a)(3)(A) through (a)(3)(D) above and subsection (a)(3)(G) below; and,

- G) The date on which the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 and is treating such waste in tanks, containers, or containment buildings to meet applicable treatment standards under 728.Subpart D, the generator shall develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (A generator treating hazardous debris under the alternative treatment standards of Section 728.Table F, however, is not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met:
 - A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated and it must contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency.
 - B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
 - C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).

- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A,

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the generator shall retain all waste analysis data on site in its files.

- 6) If a generator determines, subsequent to the time of generation, that it is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 712.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, the subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.

- 7) A generator shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.

- 8) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142(c), with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above, except that underlying hazardous constituents need not be determined. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste that the lab pack does not contain any of the wastes identified in 35 Ill. Adm. Code 728.Appendix D. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

This subsection corresponds with 40 CFR 268.7(a)(9), marked "reserved" by U.S. EPA at 59 Fed. Reg. 48045 (Sept. 19, 1994). This statement maintains structural consistency with federal regulations.

- 9) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable

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notification and certification requirements of subsection (a) above for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act until either any subsequent enforcement action is resolved or until the Agency notifies the generator documents need not be retained.

- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans, as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) below.

- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

- 2) For wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728.Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 4) A notice must be sent with the initial each waste shipment to each the land disposal facility that includes the following information, except that debris excluded from the definition of the hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F, and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements. No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice must be sent and a copy placed in the treatment facility's file.

- A) USEPA W-9-BPA hazardous waste number:

- B) The waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D003, and D012 through D0437 and wastes prohibited pursuant to Section 728-132 or Section 3004(d) of the Resource--Conservation--and--Recovery--Act.

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~~referenced in Section 728-139.~~ The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) or (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanides"), if applicable;

- C) The manifest number associated with the shipment of waste; and

- D) Waste analysis data, where available.

- 5) The treatment facility owner or operator shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in 728.Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F, and debris that is delisted), however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of this subsection.

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728.Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly, so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been

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D043 that contain underlying hazardous constituents, as defined in Section 728.102(i), and which are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels set forth in Sections 728.148 and 728.102. Table U Universal Treatment Standards, the certification must state the following:

C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in 728.102(i) is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724. Subpart O) or 35 Ill. Adm. Code 725. Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes D001, D002, D003, and D012 through D043 that are subject to the treatment standards in Section 728.140 (other than those expressed as a required method of treatment), that are reasonably expected to contain underlying hazardous constituents (as defined in Section 728.102(i)), that are treated on-site to remove the hazardous characteristic, and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This characterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes D001, D002, D003, and D012 through

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D043 that contain underlying hazardous constituents, as defined in Section 728.102(i), and which are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels set forth in Sections 728.148 and 728.102. Table U Universal Treatment Standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic, and that underlying hazardous constituents, as defined in Section 728.102, have been treated on-site to meet Sections 728.148 and 728.102. Table U Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above and a notice that includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b) above and the certification specified in Section 728.108, if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues is in compliance with the applicable treatment standards set forth in 728.132 D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the

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frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) above, with respect to such waste.

- d) A generator or treaters that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103(f), and debris that has been delisted) is subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:

- A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
- B) A description of the hazardous debris as initially generated, including the applicable USEPA W-S-EPA hazardous waste numbers; and
- C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1) +728.103(f)+2, the technology from Section 728.103(f) used to treat the debris.

- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

- 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1) +728.103(f)+2, the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.103(f), as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

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- C). For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

"I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA W-S-EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under 728.103(d). For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.103(d). In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.103(d) where the waste exhibits a characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.103(d) operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.103(d), as specified in subsection (b) below. If the generator determines that its waste displays a characteristic of hazardous waste ignitability (B001) (and the waste is not a D004 through D011 waste, a high TOC D001 waste, and ignitable liquids category or is not treated by CMBST or RORGST, as described in Section 728.103(d)), that its waste displays the characteristic of corrosivity (B002) and is prohibited under Section 728.103(d) and its waste displays the characteristic of toxicity (B003 through B043) and is prohibited under Section 728.103(d) the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present above the universal treatment standards set forth in Sections 728.148 and 728.149 in the Table U in the B001 B002 or B003 through B043 waste.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.103(d) and exhibits a characteristic under 35 Ill. Adm. Code 721.103(d), the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.103(d) will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.103(d), provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial

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point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under 728.Subpart D.

- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) below. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

1) The notification must include the following information:

- A) For a characteristic waste other than one managed on site in a wastewater treatment system subject to the federal Clean Water Act (CWA), a zero-discharger engaged in CWA-equivalent treatment, or a Class I nonhazardous waste injection well, the name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- B) For a waste that exhibits a characteristic of hazardous waste, a description of the waste as initially generated, including the applicable U.S. EPA hazardous waste numbers, the treatability group(s), and the underlying hazardous constituents as defined in Section 728.102(f)(7) in 1991, and B002-wastes prohibited under Section 728.137 or B012 through B043-wastes prohibited under Section 728.138.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A). If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in Section 728.107(b)(5)(D) applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728.149 for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:
 - A) A description of the pollution prevention mechanism and when it was implemented if already complete;
 - B) The mass of each underlying hazardous constituent before pollution prevention;
 - C) The mass of each underlying hazardous constituent that must

be removed, adjusted to reflect variations in mass due to normal operating conditions; and

D) The mass reduction of each underlying hazardous constituent that is achieved.

- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.149 must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.
- f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.
- g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.110 First Third (Repealed)

~~The Board incorporates--by--reference--40--CFR--260.10--(1991)---This--Section incorporates no later editions or amendments.~~

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 728.111 Second Third (Repealed)

~~The Board incorporates--by--reference--40--CFR--260.11--(1991)---This--Section incorporates no later editions or amendments.~~

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 728.112 Third Third (Repealed)

~~The Board incorporates--by--reference--40--CFR--260.12--(1991)---This--Section incorporates no later editions or amendments.~~

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(Source: Repealed at 21 Ill. Reg. _____, effective _____)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.139 Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes Statutory Prohibitions

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste numbers K156-K159; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in Federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).
- c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- d) Effective April 8, 1998, radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- e) Until April 8, 1998, the wastes included in subsections (a), (b), (c), and (d) of this Section may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of Section 728.105(h)(2).
- f) The requirements of subsections (a), (b), (c), and (d) of this Section do not apply if:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
- 2) The person conducting the disposal has been granted an exemption

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from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or

- 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

No person shall cause, threaten or allow the land disposal of any waste in violation of Section 3004 of the Resource Conservation and Recovery Act incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Section 728.140, Table T, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Section. For each waste, Section 728.140, Table T identifies one of three types of treatment standard requirements:
- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");
 - 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or
 - 3) The waste must be treated using the technology specified in that Section ("technology standard"), which is described in detail in Section 728.140, Table C, "Technology Codes and Description of Technology-Based Standards".
- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes

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covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-S--BPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-S--BPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

d) Notwithstanding the prohibitions specified in subsection (a) above, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Section 728.Table T, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) above to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Section 728.Table T by an order of magnitude.
- e) For characteristic wastes (USEPA 8-S--BPA hazardous waste numbers D001 through D003 and D018 through 7-B062--and-B012-through D043) that are subject to treatment standards set forth in Section 728.Table T, "Treatment Standards for Hazardous Wastes", all underlying hazardous constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth found in Section 728.140--and 728.Table U prior to land disposal, as defined in Section 728.102(c).
- f) The treatment standards for USEPA 8-S--BPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these

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constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-S--BPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA 8-S--BPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.

(Source: Amended at 21 Ill. Reg. _____, effective _____, _____)

Section 728.144 Adjustment of Treatment Standard

a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

BOARD NOTE: 40 CFR 268.44 refers to these as "treatability variances". The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an "adjusted treatment standard" pursuant to subsections (a) through (1), or a "treatability exception" adopted pursuant to subsections (m) et seq. While the latter is adopted by "identical in substance" rulemaking following a USEPA action, the former is an original Board action which will be the only mechanism following authorization to the State of this component of the RCRA program.

b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.Subpart G.

c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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- d) After receiving a petition for an adjusted treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. In conjunction with any updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. *A listing of all adjusted standards granted pursuant to this section will be published in the Illinois Register and environmental register at the end of each fiscal year.* (Section 28.1(d)(3) of the Environmental Protection Act.)
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted treatment standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.
- i) Each petition for a site-specific adjusted treatment standard must include the information in 35 Ill. Adm. Code 720.120(b)(1) through (4).
- j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the petition.
- k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.
- l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- m) If USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 [1995] {1991} and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental

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Protection Act.

BOARD NOTE: The Board will adopt the treatability exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.

- o) The facilities listed in Table H are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the constituent concentrations listed in Table H.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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SUBPART E: PROHIBITIONS ON STORAGE

Section 728. APPENDIX K Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to 40 CFR 268.3(c)

BOARD NOTE: A combustion unit is defined as any thermal technology subject to 35 Ill. Adm. Code 724.Subpart O, 725.Subpart O, or 726.Subpart H.

Waste code	Waste description
D004	Toxicity Characteristic for Arsenic.
D005	Toxicity Characteristic for Barium.
D006	Toxicity Characteristic for Cadmium.
D007	Toxicity Characteristic for Chromium.
D008	Toxicity Characteristic for Lead.
D009	Toxicity Characteristic for Mercury.
D010	Toxicity Characteristic for Selenium.
D011	Toxicity Characteristic for Silver.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating basis on carbon steel; (4) aluminum or zinc-plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.

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R004	Wastewater treatment sludge from the production of zinc yellow pigments.
R005	Wastewater treatment sludge from the production of chrome green pigments.
R006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
R007	Wastewater treatment sludge from the production of iron blue pigments.
R008	Oven residue from the production of chrome oxide green pigments.
R061	Emission control dust/sludge from the primary production of steel in electric furnaces.
R069	Emission control dust/sludge from secondary lead smelting.
R071	Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K106	Sludges from the mercury cell processes for making chlorine.
P010	Arsenic acid H ₃ AsO ₄ .
P011	Arsenic oxide As ₂ O ₅ .
P012	Arsenic trioxide.
P013	Barium cyanide.
P015	Beryllium.
P029	Copper (I) cyanide Cu(CN).
P074	Nickel (II) cyanide Ni(CN) ₂ .
P087	Osmium (VIII) tetroxide OsO ₄ .
P099	Potassium silver cyanide KAg(CN) ₂ .
P104	Silver cyanide AgCN.
P113	Thallic (III) oxide Tl ₂ O ₃ .
P114	Thallium (I) selenite Tl ₂ SeO ₃ .
P115	Thallium (I) sulfate Tl ₂ SO ₄ .
P119	Ammonium (V) vanadate NH ₃ VO ₃ .
P120	Vanadium (V) oxide V ₂ O ₅ .
P121	Zinc cyanide ZnCN.
U032	Calcium chromate CaCrO ₄ .
U145	Lead phosphate.
U151	Mercury.
U204	Selenous acid H ₂ SeO ₃ .
U205	Selenium (IV) disulfide SeS ₂ .
U216	Thallium (I) chloride TlCl.
U217	Thallium (I) nitrate TlNO ₃ .

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 728. TABLE C Technology Codes and Description of Technology-Based Standards

Technology

code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.

AMLMG Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

BIODG Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARB Carbon adsorption (granulated or powdered) or non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations of reagents:

- 1) hypochlorite (e.g., bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permangantes; or

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- 9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; or
- 6) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBST High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 726.Subpart H, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0. All wastewater and nonwastewater residues derived from this process must then comply with

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the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

INCIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0.

LLEX Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) acids;
- 2) bases; or
- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);
- 2) caustic (i.e., sodium or potassium hydroxides);
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

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RBRY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as repressing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recover techniques:

- 1) distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; or
- 5) incineration for the recover of acid--Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A national emissions standard for hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or
- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;
- 5) freeze crystallization;

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- 6) ultrafiltration; or
- 7) simple precipitation (i.e., crystallization)

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recover of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace".

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) lime or pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.

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SSTRP Stream stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Section 728. Table T by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Common Name	CAS(2) Number	Wastewaters	Nonwastewaters
		Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5); or less noted as "mg/l TCLP"; or Technology Code(4)

D001(9)

Ignitable Characteristic Wastes, except for the Section 721.121(a)(1) High TOC Subcategory that are managed in non-EWA or non-EWA-equivalent or non-EWA systems.

NA	NA	DEACT and meet Section 728.148 standards; (8) or RORGs; or CMBST	DEACT and meet Section 728.148 standards; (8) or RORGs; or CMBST
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B001

Ignitable Characteristic Wastes, except for the Section 721.121(a)(1) High TOC Subcategory that are managed in EWA or EWA-equivalent or EWA systems.

NA	NA	BBACT	BBACT
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D001(9)
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10% total organic carbon.
(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGs; or CMBST
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D002(9)

Corrosive Characteristic Wastes that are managed in non-EWA or non-EWA-equivalent non-EWA systems.

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
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B002

Corrosive Characteristic Wastes that are managed in EWA or EWA-equivalent non-EWA systems.

D002, D004, D005, D006, D007, D008, D009, D010, D011
Radioactive high level wastes generated during the reprocessing of fuel rods.
(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003(9)

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT
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D003(9)

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
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D003(9)

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT
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D003(9)

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
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D003(9)

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3),

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and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards(8)

D003

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total)(7)	57-12-5	--	590
Cyanides (Amendable)(7)	57-12-5	0.86	30

D004

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the extraction procedure (EP) in SW-846 Method 1310.

Arsenic	7440-38-2	5.0	5.0mg/l EP
Arsenic; alternative(6)	7440-38-2	NA	5.0 mg/l TCLP
alternative(6) standard for nonwastewaters only.			

D005

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the extraction procedure (EP) in SW-846 Method 1310.

Barium	7440-39-3	100	100 mg/l TCLP
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D006

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the extraction procedure (EP) in SW-846 Method 1310.

Cadmium	7440-43-9	1.0	1.0 mg/l TCLP
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D006

Cadmium--Containing Batteries Subcategory
(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
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D007

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the extraction procedure (EP) in SW-846 Method 1310.

Chromium (Total)	7440-47-3	5.0	5.0 mg/l TCLP
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D008

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the extraction procedure (EP) in SW-846 Method 1310.

Lead	7439-92-1	5.0	5.0 mg/l EP
Lead; alternative(6)	7439-92-1	NA	5.0 mg/l TCLP
alternative(6) nonwastewaters only.			

D008

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

(Note:--This subcategory-consists-of-nonwastewaters-only--)

Lead	7439-92-1	NA	RLEAD
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D008

Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

(Note:--This subcategory-consists-of-nonwastewaters-only--)

Lead	7439-92-1	NA	MACRO
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D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

(High-Mercury-Organic-Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC
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D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method

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1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

(High-Mercury-Inorganic-Subcategory)

Mercury	7439-97-6	NA	RMERC
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D009
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

(Low-Mercury-Subcategory)

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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All D009 wastewaters

Mercury	7439-97-6	0.20	NA
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D009
Elemental mercury contaminated with radioactive materials.
(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM
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D009
Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.
(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	IMERC
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D010
Wastes that exhibit, or are expected to exhibit, the characteristic of or toxicity for selenium based on the extraction procedure (EP) in SW-846 Method 1310.

Selenium	7782-49-2	1.0	5.7 mg/l TCLP
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D011
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the extraction procedure (EP) in SW-846 Method 1310.

Silver	7440-22-4	5.0	5.0 mg/l TCLP
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D012(9)
Wastes that are TC for Endrin based on the TCLP in SW-846 Method 1311.

Endrin	72-20-8	BIODG; or	0.13
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		<u>CMBSTINEIN</u>	and meet Section 728.148 standards(8) 0.13
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Endrin aldehyde	7421-93-4	BIODG; or <u>CMBSTINEIN</u>	and meet Section 728.148 standards(8)
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D013(9)
Wastes that are TC for Lindane based on the TCLP in SW-846 Method 1311.

alpha-BHC	319-84-6	CARBN; or <u>CMBSTINEIN</u>	0.066 and meet Section 728.148 standards(8) 0.066
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beta-BHC	319-85-7	CARBN; or <u>CMBSTINEIN</u>	and meet Section 728.148 standards(8)
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delta-BHC	319-86-8	CARBN; or <u>CMBSTINEIN</u>	and meet Section 728.148 standards(8) 0.066
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gamma-BHC (Lindane)	58-89-9	CARBN; or <u>CMBSTINEIN</u>	and meet Section 728.148 standards(8)
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D014(9)
Wastes that are TC for Methoxychlor based on the TCLP in SW-846 Method 1311.

Methoxychlor	72-43-5	WETOX or <u>CMBSTINEIN</u>	0.18 and meet Section 728.148 standards(8)
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D015(9)
Wastes that are TC for Toxaphene based on the TCLP in SW-846 Method 1311.

Toxaphene	8001-35-2	BIODG or <u>CMBSTINEIN</u>	2.6 and meet
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D016(9)
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW-846 Method 1311.

2,4-D (2,4-Dichlorophenoxyacetic acid)
94-75-7
CHOXD₁₇
BIODC₁₇ or
CMBST₁₇ in
Section
728.148
standards(8)

D017(9)
Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW-846 Method 1311.

2,4,5-TP (Silvex)
93-72-1
CHOXD or
CMBST₁₇ in
Section
728.148
standards(8)

D018(9)
Wastes that are TC for Benzene based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

Benzene
71-43-2
0.14
and meet
Section
728.148
standards(8)

D019(9)
Wastes that are TC for Carbon tetrachloride based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

Carbon tetrachloride
56-23-5
0.057
and meet
Section
728.148
standards(8)

D020(9)
Wastes that are TC for Chlordane based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

Section
728.148
standards(8)

10
and meet
Section
728.148
standards(8)

7.9
and meet
Section
728.148
standards(8)

10
and meet
Section
728.148
standards(8)

6.0
and meet
Section
728.148
standards(8)

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only.

Chlordane (alpha and gamma isomers)
57-74-9
0.0033
and meet
Section
728.148
standards(8)

0.26
and meet
Section
728.148
standards(8)

D021(9)
Wastes that are TC for Chlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

Chlorobenzene
108-90-7
0.057
and meet
Section
728.148
standards(8)

6.0
and meet
Section
728.148
standards(8)

D022(9)
Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

Chloroform
67-66-3
0.046
and meet
Section
728.148
standards(8)

6.0
and meet
Section
728.148
standards(8)

D023(9)
Wastes that are TC for o-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

o-Cresol
95-48-7
0.11
and meet
Section
728.148
standards(8)

5.6
and meet
Section
728.148
standards(8)

D024(9)
Wastes that are TC for m-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems only.

m-Cresol
108-39-4
0.77
and meet

5.6
and meet

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- distinguish from p-cresol)
- D025(9)
Wastes that are TC for p-Cresol based on the TCLP in SW-846 Method 1311 and that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- p-Cresol (difficult to distinguish from m-cresol)
- 106-44-5 0.77 and meet 5.6 and meet Section 728.148 standards(8)
- D026(9)
Wastes that are TC for Cresols (Total) based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)
- 1319-77-3 0.88 and meet 11.2 and meet Section 728.148 standards(8)
- D027(9)
Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- p-Dichlorobenzene (1,4-Dichlorobenzene)
- 106-46-7 0.090 and meet 6.0 and meet Section 728.148 standards(8)
- D028(9)
Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- 1,2-Dichloroethane
- 107-06-2 0.21 and meet 6.0 and meet Section 728.148 standards(8)
- D029(9)
Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method

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- Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- 1,1-Dichloroethylene
- 75-35-4 0.025 and meet 6.0 and meet Section 728.148 standards(8)
- D030(9)
Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- 2,4-Dinitrotoluene
- 121-14-2 0.32 and meet 140 and meet Section 728.148 standards(8)
- D031(9)
Wastes that are TC for Heptachlor based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- Heptachlor
- 76-44-8 0.0012 and meet 0.066 and meet Section 728.148 standards(8)
- Heptachlor epoxide
- 1024-57-3 0.016 and meet 0.066 and meet Section 728.148 standards(8)
- D032(9)
Wastes that are TC for Hexachlorobenzene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i-SBWA-systems-only.
- Hexachlorobenzene
- 118-74-1 0.055 and meet 10 and meet Section 728.148 standards(8)
- D033(9)
Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method

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1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Hexachlorobutadiene 87-68-3 0.055 and meet Section 728.148 standards(8) 5.6 and meet Section 728.148 standards(8)

D034(9)
Wastes that are TC for Hexachloroethane based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Hexachloroethane 67-72-1 0.055 and meet Section 728.148 standards(8) 30 and meet Section 728.148 standards(8)

D035(9)
Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Methyl ethyl ketone 78-93-3 0.28 and meet Section 728.148 standards(8) 36 and meet Section 728.148 standards(8)

D036(9)
Wastes that are TC for Nitrobenzene based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Nitrobenzene 98-95-3 0.068 and meet Section 728.148 standards(8) 14 and meet Section 728.148 standards(8)

D037(9)
Wastes that are TC for Pentachlorophenol based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Pentachlorophenol 87-86-5 0.089 7.4

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and meet Section 728.148 standards(8) and meet Section 728.148 standards(8)

D038(9)
Wastes that are TC for pyridine based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Pyridine 110-86-1 0.014 and meet Section 728.148 standards(8) 16 and meet Section 728.148 standards(8)

D039(9)
Wastes that are TC for Tetrachloroethylene based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Tetrachloroethylene 127-18-4 0.056 and meet Section 728.148 standards(8) 6.0 and meet Section 728.148 standards(8)

D040(9)
Wastes that are TC for Trichloroethylene based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

Trichloroethylene 79-01-6 0.054 and meet Section 728.148 standards(8) 6.0 and meet Section 728.148 standards(8)

D041(9)
Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW-846 Method 1311 and-that-are-managed-in-non-EWA-or-non-EWA-equivalent-or-non-Class-i--SBWA systems-only.

2,4,5-Trichlorophenol 95-95-4 0.18 and meet Section 728.148 standards(8) 7.4 and meet Section 728.148 standards(8)

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D042(9)

Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems-only.

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
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D043(9)

Wastes that are TC for Vinyl chloride based on the TCLP in SW-846 Method 1311 and that are managed in non-EWA or non-EWA-equivalent or non-Class-I-SBWA systems-only.

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
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F001, F002, F003, F004, & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, or xylene (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to			

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distinguish from m-cresol)
Cresol-mixed isomers
(Cresylic acid)
(Sum of o-, m-, and p-cresol concentrations)
Cyclohexanone
o-Dichlorobenzene
Ethyl acetate
Ethyl benzene
Ethyl ether
Isobutyl alcohol
Methanol
Methylene chloride
Methyl ethyl ketone
Methyl isobutyl ketone
Nitrobenzene
Pyridine
Tetrachloroethylene
Toluene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
1,1,2-Trichloro-1,2,2-trifluoroethane
Trichloroethylene
Trichloromono-fluoro-methane
Xylenes-mixed isomers
(sum of o-, m-, and p-xylene concentrations)

1319-77-3	0.88	11.2
108-94-1	0.36	NA
95-50-1	0.088	6.0
141-78-6	0.34	33
100-41-4	0.057	10
60-29-7	0.12	160
78-83-1	5.6	170
67-56-1	5.6	NA
75-9-2	0.089	30
78-93-3	0.28	36
108-10-1	0.14	33
98-95-3	0.068	14
110-86-1	0.014	16
127-18-4	0.056	6.0
108-88-3	0.080	10
71-55-6	0.054	6.0
79-00-5	0.054	6.0
76-13-1	0.057	30
70-01-6	0.054	6.0
75-69-4	0.020	30
1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))

75-15-0	3.8	4.8 mg/l TCLP
108-94-1	0.36	0.75 mg/l TCLP
67-56-1	5.6	0.75 mg/l TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

79-46-9	(WETOX or CHOXD) fb	CMBSTINE#N
	CARBN; or	CMBSTINE#N

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F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol

110-80-5

BIODG; or

CMBSTINEIN

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP

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Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	<u>0.860-00</u>	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate,

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or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes ---Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Penta-chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCCDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
All F024 wastes	NA	CMBST	CMBST
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0

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1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl)-phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or

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discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4

F024

Process--wastes--including--but--not--limited--to--distillation-residues--heavy

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ends--tars--and--reactor--clean-out--wastes--from--the--production--of--certain chlorinated--aliphatic--hydrocarbons--by--free-radical-catalyzed--processes--these chlorinated--aliphatic--hydrocarbons--are--those--having--carbon--chain--lengths ranging--from--one--to--an--including--five--with--varying--amounts--and--positions--of chlorine--substitution--(This listing does not include wastewater--wastewater treatment--sludges--spent--catalysts--and--wastes--listed--in--95--iii--Adm--Code 721-131-01-721-132-7)

All-F024-wastes	NA	INGEN	INGEN
2-Chloro-1,3-butadiene	126-99-8	0-057	0-28
3-Chloropropylene	107-05-1	0-036	30
1,1-Dichloroethane	75-34-3	0-059	6-0
1,2-Dichloroethane	107-06-2	0-21	6-0
1,2-Dichloropropane	78-07-5	0-05	10
cis-1,3-Dichloropropylene	10061-01-5	0-036	10
trans-1,3-Dichloropropylene	10061-02-6	0-036	10
bis(2-Ethylhexyl)phthalate	117-01-7	0-28	20
Hexachloroethane	67-72-1	0-055	30
Chromium-(Total)	7440-47-3	2-77	0-06-mg/l-TEBP
Nickel	7440-02-0	3-90	5-0-mg/l-TEBP

F025

Condensed light ends--from--the--production--of--certain--chlorinated--aliphatic hydrocarbons--by--free-radical-catalyzed--processes--these chlorinated--aliphatic hydrocarbons--are--those--having--carbon--chain--lengths--ranging--from--one--to--and including--five--with--varying--amounts--and--positions--of--chlorine--substitution.

F025---Eight-Ends-Subcategory

Carbon-tetrachloride	56-23-6	0-057	6-0
Chloroform	67-66-3	0-046	6-0
1,2-Dichloroethane	107-06-2	0-21	6-0
1,1-Dichloroethylene	75-35-4	0-025	6-0
Methylene chloride	75-9-2	0-089	30
1,1,2-Trichloroethane	79-00-5	0-054	6-0
1,1,2-Trichloroethylene	79-01-6	0-054	6-0
Vinyl chloride	75-01-4	0-27	6-0

F026

Spent filters and filter aids--and spent desiccant wastes--from--the--production of--certain--chlorinated--aliphatic--hydrocarbons--by--free--radical-catalyzed processes--these chlorinated--aliphatic--hydrocarbons--are--those--having--carbon chain--lengths--ranging--from--one--to--and--including--five--with--varying--amounts--and positions--of--chlorine--substitution.

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P025---Spent-Piters-or-Aids-and-Desiccants-Subcategory

Carbon-tetrachloride	56-23-5	0-067	6-0
Chloroform	67-66-3	0-046	6-0
Hexachlorobenzene	118-74-1	0-055	10
Hexachlorobutadiene	87-68-3	0-055	5-6
Hexachloroethane	67-72-1	0-055	30
Methylene-chloride	75-9-2	0-089	30
1,1,2-trichloroethane	79-00-5	0-054	6-0
Trichloroethylene	79-01-6	0-054	6-0
Vinyl-chloride	75-01-4	0-27	6-0

F037

Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow. Sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.059	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.039	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.032	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this list.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under 728.Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA

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Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	10
Benzene	71-43-2	0.14	3.4
Bena(a)anthracene	56-55-3	0.059	6.8
Benzo(b)fluoranthene	205-99-2	0.11	
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro-phenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39538-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14

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Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13

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Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0NA	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA±3
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
Disulfoton	122-66-7	0.087	NA
1,2-Diphenylhydrazine	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-NA	NA	0.000063	0.001

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dibenzofurans)	67-72-1	0.055	30
Hexachloroethane	1888-71-7	0.035	30
Hexachloropropylene	193-39-5	0.0055	3.4
Indeno (1,2,3-c,d)			
pyrene	74-88-4	0.19	65
Iodomethane	78-83-1	5.6	170
Isobutyl alcohol	465-73-6	0.021	0.066
Isodrin	120-58-1	0.081	2.6
Isosafrole	143-50-8	0.0011	0.13
Kepone	126-98-7	0.24	84
Methacrylonitrile	67-56-1	5.6	NA
Methanol	91-80-5	0.081	1.5
Methapyrilene	72-43-5	0.25	0.18
Methoxychlor	56-49-5	0.0055	15
3-Methylcholanthrene	101-14-4	0.50	30
4,4-Methylene bis(2-chloroaniline)			
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodiemthylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	17
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs	1336-36-3	0.10	10
(sum of all PCB isomers, or all Aroclors)			
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8

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Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Promamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromo- methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

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Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-22-4	0.43	0.30 mg/l TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K005			
Wastewater treatment sludge from the production of chrome green pigments.			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006			
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K006			
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
K007			
Wastewater treatment sludge from the production of iron blue pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Cyanides (Total)(7)	57-12-5	1.2	590
K008			
Oven residue from the production of chrome oxide green pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K009			
Distillation bottoms from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K010			
Distillation side cuts from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K011			
Bottom stream from the wastewater stripper in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38±8
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K013			
Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38±8
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23

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NOTICE OF PROPOSED AMENDMENTS

Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K014			
Bottoms from the acetonitrile purification column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38±8
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.1410	
Cyanide (Total)	57-12-5	1.2	590
K015			
Still bottoms from the distillation of benzyl chloride.			
Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	3.983-9	5.0 85±0 mg/l TCLP
K016			
Heavy ends or distillation residues from the production of carbon tetrachloride.			
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
K017			
Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30
K018			
Heavy ends from the fractionation column in ethyl chloride production.			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1,-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent-antimony-catalyst-waste-from-fluoromethane-production-

Carbon-tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	±-9	2.1-mg/l-TCBP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine	122-39-4	0.92	13

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(difficult) to distinguish from diphenylnitrosamine	86-30-6	0.92	13
(difficult) to distinguish from diphenylamine			
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	0.98	5.0 mg/l TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBSTINEIN	CMBSTINEIN
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K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBSTINEIN	CMBSTINEIN
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K027

Centrifuge and distillation residues from the toluene diisocyanate production.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NA	NA	CARBEN; or CMBSTINGIN	CMBST
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.		
	trans-1,2-Dichloroethane	75-34-3	0.059
	ethylene	156-60-5	0.054
	Hexachlorobutadiene	87-88-3	0.055
	Hexachloroethane	67-72-1	0.055
	Pentachloroethane	76-01-7	NA
	1,1,1,2-Tetrachloroethane	630-20-6	0.057
	1,1,2,2-Tetrachloroethane	79-34-6	0.057
	Tetrachloroethylene	127-18-4	0.056
	1,1,1-Trichloroethane	71-55-6	0.054
	1,1,2-Trichloroethane	79-00-5	0.054
	Cadmium	7440-43-9	0.69
	Chromium (Total)	7440-47-3	2.77
	Lead	7439-92-1	0.69
	Nickel	7440-02-0	3.98

K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	
	Chloroform	67-66-3
	1,2-Dichloroethane	107-06-2
	1,1-Dichloroethylene	75-35-4
	1,1,1-Trichloroethane	71-55-6
	Vinyl chloride	75-01-4

K030	Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.	
	o-Dichlorobenzene	95-50-1
	p-Dichlorobenzene	106-46-7
	Hexachlorobutadiene	87-68-3
	Hexachloroethane	67-72-1
	exachloropropylene	1888-71-7
	entachlorobenzene	608-93-5
	entachloroethane	76-01-7
	1,2,4,5-Tetrachlorobenzene	95-94-3
	etrachloroethylene	127-18-4
	1,2,4-Trichlorobenzene	120-82-1

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K031	By-product salts generated in the production of MSMA and cacodylic acid.		
	Arsenic	7440-38-2	1.4
K032	Wastewater treatment sludge from the production of chlordane.		
	Hexachlorocyclopentadiene	77-47-4	0.057
	Chlordane (alph and gamma isomers)	57-74-9	0.0033
	Heptachlor	76-44-8	0.0012
	Heptachlor epoxide	1024-57-3	0.016
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.		
	Hexachlorocyclopentadiene	77-47-4	0.057
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.		
	Hexachlorocyclopentadiene	77-47-4	0.057

K035	Wastewater treatment sludges generated in the production of creosote.		
	Acenaphthene	83-32-9	NA
	Anthracene	120-12-7	NA
	Benz(a)anthracene	56-55-3	0.061
	Benzo(a)pyrene	50-32-8	0.061
	Chrysene	218-01-9	0.059
	o-Cresol	95-48-7	0.11
	m-Cresol	108-39-4	0.77
	(difficult to distinguish from p-cresol)		
	p-Cresol	106-44-5	0.77
	(difficult to distinguish from m-cresol)		
	Dibenz(a,h)anthracene	53-70-3	NA
	Fluoranthene	206-44-0	0.068
	Fluorene	86-73-7	NA
	Indeno(1,2,3-cd)pyrene	193-39-5	NA
	Naphthalene	91-20-3	0.059
	Phenanthrene	85-01-8	0.059
	Phenol	108-95-2	0.039

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Pyrene	129-00-0	0.067	8.2	
K036				
Still bottoms from toluene reclamation distillation in the production of disulfoton.				
Disulfoton	298-04-4	0.017	6.2	
K037				
Wastewater treatment sludges from the production of disulfoton.				
Disulfoton	298-04-4	0.017	6.2	
Toluene	108-88-3	0.080	10	
K038				
Wastewater from the washing and stripping of phorate production.				
Phorate	298-02-2	0.021	4.6	
K039				
Filter cake form the filtration of diethylphosphorodithioic acid in the production of phorate.				
NA	NA	CARB; or CMBSTINGIN	CMBST	
K040				
Wastewater treatment sludge from the production of phorate.	298-02-2	0.021	4.6	
K041				
Wastewater treatment sludge from the production of toxaphene.				
Toxaphene	8001-35-2	0.0095	2.6	
K042				
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.				
O-Dichlorobenzene	95-50-1	0.088	6.0	
P-Dichlorobenzene	106-46-7	0.090	6.0	
Pentachlorobenzene	608-93-5	0.055	10	
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14	
1,2,4-Trichlorobenzene	120-82-1	0.055	19	
K043				
2,6-Dichlorophenol waste from the production of 2,4-D.				
2,4-Dichlorophenol	120-83-2	0.044	14	
2,6-Dichlorophenol	187-65-0	0.044	14	
2,4,5-Trichlorophenol	95-95-4	0.18	7.4	
2,4,6-Trichlorophenol	88-06-2	0.035	7.4	
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Pentachlorophenol	87-86-5	0.089	7.4	
Tetrachloroethylene	127-18-4	0.056	6.0	
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	
HxCDFs (all Hexachloro-dibenzofurans)	NA	0.000063	0.001	
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001	
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001	
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.00063	0.001	
K044				
Wastewater treatment sludges from the manufacturing and processing of explosives.				
NA	NA	DEACT	DEACT	
K045				
Spent carbon from the treatment of wastewater containing explosives.				
NA	NA	DEACT	DEACT	
K046				
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.				
Lead	7439-92-1	0.69	0.37 mg/l	TCIP
K047				
Pink or red water from TNT operations.				
NA	NA	DEACT	DEACT	
K048				
Dissolved air flotation (DAF) float from the petroleum refining industry.				
Benzene	71-43-2	0.14	10	
Benzo(a)pyrene	50-32-8	0.61	3.4	
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	
Chrysene	218-01-9	0.059	3.4	
Di-n-butyl phthalate	84-74-2	0.057	28	
Ethylbenzene	100-41-4	0.057	10	
Fluorene	86-73-7	0.059	NA	
Naphthalene	91-20-3	0.059	5.6	
Phenanthrene	85-01-8	0.059	5.6	
Phenol	108-95-2	0.039	6.2	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-33	0.080	10	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4

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NOTICE OF PROPOSED AMENDMENTS

bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	106-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K052

Tank bottoms (lead) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo (a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			

2,4-Dimethylphenol

Ethylbenzene

Naphthalene

Phenanthrene

Phenol

Toluene

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)

Chromium (Total)

Cyanides (Total)(7)

Lead

Nickel

K060

Ammonia still lime sludge from coking operations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Benzene	71-43-2	0.14	10
Benzo(a) pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K061			
Emission control dust or sludge from the primary production of steel in electric furnaces.			
Antimony	7440-36-0	NA	2.1 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	7.6 mg/l TCLP
Beryllium	7440-41-7	NA	0.014 mg/l TCLP
			TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	NA	0.16 mg/l TCLP
Silver	7740-22-4	NA	0.30 mg/l TCLP
Thallium	7440-28-0	NA	0.078 mg/l TCLP
Zinc	7440-66-6	NA	5.3 mg/l TCLP

K062
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7740-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	NA

K069
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP

K069
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory

NA	NA	NA	RLCAD
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K071
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K071
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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K071
All K071 wastewaters.

Mercury	7439-97-6	0.015	NA
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K073
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.0569-050	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13

(difficult to

distinguish from

diphenylnitrosamine)

Diphenylnitrosamine

(difficult to

distinguish from

diphenylamine)

Nitrobenzene

Phenol

Nickel

	86-30-6	0.92	13
	98-95-3	0.068	14
	108-95-2	0.039	6.2
	7440-02-0	3.98	5.0 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.014	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0

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o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs	1336-36-3	0.10	10
(sum of all PCB isomers, or all Aroclors)			
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	10
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.034	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p- xylene concentrations)			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.37 mg/l TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
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Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indenol(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p- xylene concentrations)			
Lead	7439-92-1	0.069	0.37 mg/l TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.09	3.4
Dibenz(a,b)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	TCLP
Chromium (Total)	7440-47-3	2.77	0.19 mg/l TCLP
Lead	7439-92-1	0.69	0.86 mg/l TCLP
Mercury	7439-97-6	0.15	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	0.025 mg/l TCLP
Selenium	7782-49-2	0.82	TCLP
Silver	7440-22-4	0.43	5.0 mg/l TCLP
Cyanide (Total)(7)	57-12-5	1.2	0.16 mg/l TCLP
Cyanide (Amenable)(7)	57-12-5	0.86	0.30 mg/l TCLP
Fluoride	16984-48-8	35	590

K093

Distillation light ends from the production of phthalic anhydride from orthoxylenes.

Phthalic anhydride	100-21-0	0.055	28
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(measured as Phthalic acid or Terephthalic terephthalic acid)
Phthalic anhydride
(measured as Phthalic acid or Terephthalic acid)

85-44-9 0.055 28

K094
Distillation bottoms from the production of phthalic anhydride from orthoxylene.

Phthalic anhydride
(measured as Phthalic acid or Terephthalic acid)

100-21-0 0.055 28

Phthalic anhydride
(measured as Phthalic acid or Terephthalic acid)

85-44-9 0.055 28

K095
Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane
Pentachloroethane
1,1,1,2-Tetrachloroethane

67-72-1 0.055 30

76-01-7 0.055 6.0

630-20-6 0.057 6.0

1,1,2,2-Tetrachloroethane

79-34-6 0.057 6.0

Tetrachloroethylene

127-18-4 0.056 6.0

1,1,2-Trichloroethane

79-00-5 0.054 6.0

Trichloroethylene

79-01-6 0.054 6.0

K096
Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene
Pentachloroethane
1,1,1,2-Tetrachloroethane

541-73-1 0.036 6.0

76-01-7 0.055 6.0

630-20-6 0.057 6.0

1,1,2,2-Tetrachloroethane

79-34-6 0.057 6.0

Tetrachloroethylene

127-18-4 0.056 6.0

1,2,4-Trichlorobenzene

120-82-1 0.055 19

1,1,2-Trichloroethane

79-00-5 0.054 6.0

Trichloroethylene

79-01-6 0.054 6.0

K097
Vacuum stripper discharge from the chlordane chlorinator in the production of

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chlordane.
Chlordane alpha and gamma isomers)
Heptachlor
Heptachlor epoxide
Hexachlorocyclopentadiene

57-74-9 0.0033 0.26

76-44-8 0.0012 0.066

1024-57-3 0.016 0.0660-068

77-47-4 0.057 2.4

K098
Untreated process wastewater from the production of toxaphene.
Toxaphene

8001-35-2 0.0095 2.6

K099
Untreated wastewater from the production of 2,4-D.
2,4-Dichlorophenoxy-

94-75-7 0.72 10

acetic acid

HxCDDs (All Hexachloro-

dibenzo-p-dioxins) NA 0.000063 0.001

HxCDFs (All) Hexachloro-

dibenzofurans) NA 0.000063 0.001

PeCDDs (All Pentachloro-

dibenzo-p-dioxins) NA 0.000063 0.001

PeCDFs (All Pentachloro-

dibenzofurans) NA 0.000035 0.001

TCDDs (All Tetrachloro-

dibenzo-p-dioxins) NA 0.000063 0.001

TCDFs (All Tetrachloro-

dibenzofurans) NA 0.000063 0.001

K100
Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium 7440-43-9 0.69 0.19 mg/l TCLP

Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP

Lead 7439-92-1 0.69 0.37 mg/l TCLP

K101
Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline 88-74-4 0.27 14

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

Cadmium 7440-43-9 0.69 NA

Lead 7439-92-1 0.69 NA

Mercury 7439-97-6 0.15 NA

K102
Residue from the use of activated carbon for decolorization in the production

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of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

O-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.069	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
O-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K106
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.
Mercury 7439-97-6 NA 0.025 mg/l TCLP

K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA
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K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	<u>CMBSTINEIN</u> ; or CHOXD fb	<u>CMBSTINEIN</u>
		CARBN; or	
		BIODG fb CARBN	

K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	<u>CMBSTINEIN</u> ; or CHOXD fb	<u>CMBSTINEIN</u>
		CARBN; or	
		BIODG fb CARBN	

K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	<u>CMBSTINEIN</u> ; or CHOXD fb	<u>CMBSTINEIN</u>
		CARBN; or	
		BIODG fb CARBN	

K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	<u>CMBSTINEIN</u> ; or CHOXD fb	<u>CMBSTINEIN</u>
		CARBN; or	
		BIODG fb CARBN	

K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

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- K112
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CMBSTINGIN;
or CHOXD fb
CARN; or
BIODG fb CARN
CMBSTINGIN
- K113
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CARN; or
CMBSTINGIN
- K114
Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CARN; or
CMBSTINGIN
- K115
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
Nickel
7440-02-0
3.98
5.0 mg/l TCLP
NA
CARN; or
CMBSTINGIN
CMBST
- K116
Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.
NA
CARN; or
CMBSTINGIN
CMBST
- K117
Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-90.11
methane)
15
Chloroform
67-66-3
0.046
Ethylene-
106-93-4
0.028
dibromide (1,2-
Dibromoethane
- K118
Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9
methane)
0.11
15

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- Chloroform
Ethylene dibromide
(1,2-Dibromoethane)
67-66-3
106-93-4
0.046
0.028
6.0
15
K123
Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.
NA
CMBSTINGIN;
or CHOXD fb
(BIODG or
CARN)
CMBSTINGIN
- K124
Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.
NA
CMBSTINGIN;
or CHOXD fb
(BIODG or
CARN)
CMBSTINGIN
- K125
Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.
NA
CMBSTINGIN;
or CHOXD fb
(BIODG or
CARN)
CMBSTINGIN
- K126
Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.
NA
CMBSTINGIN;
or CHOXD fb
(BIODG or
CARN)
CMBSTINGIN
- K131
Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.
Methyl bromide (Bromo- 74-83-9
methane)
0.11
15
K132
Spent absorbent and wastewater separator solids from the production of methyl bromide.
Methyl bromide (Bromo- 74-83-9
methane)
0.11
15
K136

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Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene (difficult to distinguish from benzo(k)fluoranthene)	50-2-8	0.061	3.4
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Diben(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Diben(a,h)anthracene	53-70-3	0.055	8.2
Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the

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recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8

Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Diben(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Diben(a,h)anthracene	53-70-3	0.055	8.26+2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

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(difficult to distinguish from benzo-(k)fluoranthene)	207-08-9	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148			
Residues from coal tar distillation, including, but not limited to, still bottoms.			
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo-(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

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Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
benzene			
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
benzene			
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.036	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.088	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
O-Phenylenediamine	95-54-5	0.056	5.6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dust and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Mutylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.(10)

Antimony	7440-36-0	1.9	2.1 mg/l TCLP
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Arsenic	7440-38-2	1.9	5.0 mg/l TCLP
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Dithiocarbamates (total)	NA	0.028	28
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP

P001

Warfarin, & salts, when present at concentrations greater than 0.3% (WETOX or CHOXD) fb

Warfarin
81-81-2
CMBST
CMBST#INEIN

P002

1-Acetyl-2-thiourea
1-Acetyl-2-thiourea

591-08-2
(WETOX or CHOXD) fb
CMBST#INEIN
CMBST#INEIN

P003

Acrolein
Acrolein

107-02-8
107-02-6
0.29
CMBST

P004

Aldrin
Aldrin

309-00-2
0.021
0.0660-060

P005

Allyl alcohol
Allyl alcohol

107-18-6
(WETOX or CHOXD) fb
CMBST#INEIN
CMBST

P006

Aluminum phosphide
Aluminum phosphide

20859-73-8
20859-73-6
CHOXD;CHRED;
or CMBST#INEIN

P007

5-Aminomethyl-3-isoxazolol

5-Aminomethyl-3-isoxazolol
2763-96-4
(WETOX or CHOXD) fb
CMBST#INEIN
CMBST#INEIN

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CMBSTINGIN

P008

4-Aminopyridine
4-Aminopyridine

504-24-5

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGINCMBSTINGIN

P009

Ammonium picrate
Ammonium picrate

131-74-8

CHOXD; CHRED;
CARBN; BIODG;
or CMBSTINGINCHOXD; CHRED;
or CMBST

P010

Arsenic acid
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

P011

Arsenic pentoxide
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

P012

Arsenic trioxide
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

013

Barium cyanide

7440-39-3
Barium
Cyanides (Total)(7)
Cyanides (Amendable)(7)NA
A
0.867.6 mg/l TCLP
590
30

P014

Thiophenol (Benzene thiol)
Thiophenol (Benzene
thiol)

108-98-5

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGINCMBSTINGIN

P015

Beryllium dust
Beryllium

7440-41-7

RMETL; or RTHRM

RMETL; or
RTHRM

P016

Dichloromethyl ether (Bis(chloromethyl)ether)
Dichloromethyl ether

542-88-1

(WETOX or

CMBSTINGIN

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CHOXD) fb
CARBN; or
CMBSTINGIN

P017

Bromoacetone
Bromoacetone

598-31-2

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGINCMBSTINGIN

P018

Brucine
Brucine

357-57-3

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGINCMBSTINGIN

P020

2-sec-Butyl-4,6-dinitrophenol (Dinoseb)
2-sec-Butyl-4,6-dinitro-
phenol (Dinoseb)

88-85-7

0.066

2.5

P021

Calcium cyanide
Cyanides (Total)(7)
Cyanides (Amenable)(7)57-12-5
57-12-51.2
0.86590
30

P022

Carbon disulfide
Carbon disulfide
Carbon disulfide;
alternate(6) standard for
nonwastewaters only75-15-0
75-15-03.8
NACMBSTINGIN
4.8 mg/l TCLP

P023

Chloroacetaldehyde
Chloroacetaldehyde

107-20-0

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGINCMBSTINGIN

P024

p-Chloroaniline
p-Chloroaniline

106-47-8

0.46-46

16

P026

1-(o-Chlorophenyl)thiourea

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1-(o-Chlorophenyl)thio-
urea 5344-82-1 (WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

P027
3-Chloropropionitrile
3-Chloropropionitrile 542-76-7

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

P028
Benzyl chloride
Benzyl chloride 100-44-7

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

P029
Copper cyanide
Cyanides (Total)(7)
Cyanides (Amenable)(7)

57-12-5 1.2
57-12-5 0.86

P030
Cyanides (soluble salts and complexes)
Cyanides (Total)(7)
Cyanides (Amenable)(7)

57-12-5 1.2
57-12-5 0.86

P031
Cyanogen
Cyanogen 460-19-5

CHOXD; WETOX;
or CMBSTINEIN

P033
Cyanogen chloride
Cyanogen chloride 506-77-4

CHOXD; WETOX;
or CMBSTINEIN

P034
2-Cyclohexyl-4,6-dinitrophenol
2-Cyclohexyl-4,6-
dinitrophenol 131-89-5

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

P036
Dichlorophenylarsine

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

P037
Dieldrin
Dieldrin 60-57-1

0.13

P038
Diethylarsine
Arsenic 7440-38-2

1.4

5.0 mg/l TCLP

P039
Disulfoton
Disulfoton 298-04-4

6.2

P040
o,o-Diethyl-o-pyraxinyl-phosphorothioate
o,o-Diethyl-o-pyraxinyl- 297-97-2
phosphorothioate

CARBN; or
CMBSTINEIN

CMBST

P041
Diethyl-p-nitrophenyl phosphate
Diethyl-p-nitrophenyl 311-45-5
phosphate

CARBN; or
CMBSTINEIN

CMBST

P042
Epinephrine
Epinephrine 51-43-4

CMBSTINEIN
(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

P043
Diisopropylfluorophosphate (DFP)
Diisopropylfluoro-
phosphate (DFP) 55-91-4

CARBN; or
CMBSTINEIN

CMBST

P044
Dimethoate
Dimethoate 60-51-5

CARBN; or
CMBSTINEIN

CMBST

P045
Thiofanox
Thiofanox 39196-18-4

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

CMBSTINEIN

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P046	alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- phenethylamine	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	
P047	4,6-Dinitro-O-cresol 4,6-Dinitro-O-cresol	0.28	160
P047	4,6-Dinitro-O-cresol salts NA	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
P048	2,4-Dinitrophenol	0.12	160
P049	Dithiobiuret Dithiobiuret	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
P050	Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	0.023 0.029 0.029	0.066 0.13 0.13
P051	Endrin Endrin Endrin aldehyde	0.0028 0.025	0.13 0.13
P054	Aziridine Aziridine	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
P056	Fluorine		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057	Fluoroacetamide Fluoroacetamide	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
P058	Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
P059	Heptachlor Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016
P060	Isodrin Isodrin	465-73-6	0.021
P062	Hexaethyl tetraphosphate		0.066
	Hexaethyl tetraphosphate	757-58-4	CARBN; or <u>CMBSTINGIN</u>
P063	Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86
P064	Isocyanic acid, ethyl ester Isocyanic acid, ethyl ester	624-83-9	590 30
P065	(mercury fulminate)) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.		<u>CMBSTINGIN</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mercury	7439-97-6	NA	IMERC
P065			
P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7339-97-6	RMERC	
P065			
P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
P065			
P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
P065			
All P065 (mercury fulminate) wastewaters.			
Mercury	7439-97-6	0.15	NA
P066			
Methomyl			
Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or <u>CMBST#N#N</u>	<u>CMBST#N#N</u>
P067			
2-Methyl-aziridine			
2-Methyl-aziridine	75-55-8	(WETOX or CHOXD fb CARBN; or <u>CMBST#N#N</u>	<u>CMBST#N#N</u>
P068			
Methyl hydrazine			
Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or <u>CMBST#N#N</u>	CHOXD; CHRED, or CMBST
P069			
2-Methylacetonitrile			
2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or	<u>CMBST#N#N</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

			<u>CMBST#N#N</u>
P070			
Aldicarb			
Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or <u>CMBST#N#N</u>	<u>CMBST#N#N</u>
P071			
Methyl parathion			
Methyl parathion	298-00-0	0.014	4.6
P072			
1-Naphthyl-2-thiourea			
1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or <u>CMBST#N#N</u>	<u>CMBST#N#N</u>
P073			
Nickel carbonyl			
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
P074			
Nickel cyanide			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
P075			
Nicotine and salts			
Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or <u>CMBST#N#N</u>	<u>CMBST#N#N</u>
P076			
Nitric oxide			
Nitric oxide	10102-43-9	ADGAS	ADGAS
P077			
p-Nitroaniline			
p-Nitroaniline	100-01-6	0.028	28
P078			
Nitrogen dioxide			
Nitrogen dioxide	10102-44-0	ADGAS	ADGAS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120			
Vanadium pentoxide			
Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121			
Zinc cyanide			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
P122			
Zinc phosphide Zn[1]P[2], when present at concentrations greater than 10%			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBSTINGIN	CHOXD; CHRED; or CMBSTINGIN
P123			
Toxaphene			
Toxaphene	8001-35-2	0.0095	2.6
P127			
Carbofuran(10)			
Carbofuran	1563-66-2	0.006	0.14
P128			
Mexacarbate(10)			
Mexacarbate	315-18-4	0.056	1.4
P185			
Tirpate(10)			
Tirpate	26419-73-8	0.056	0.28
P188			
Physostigmine			
Salicylate			
Physostigmine			
Salicylate	57-64-7	0.056	1.4
P189			
Carbosulfan(10)			
Carbosulfan	55285-14-8	0.028	1.4
P190			
Metolcarb(10)			
Metolcarb	1129-41-5	0.056	1.4

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P191			
Dimetilan(10)			
Dimetilan	644-64-4	0.056	1.4
P192			
Isolan(10)			
Isolan	119-38-0	0.056	1.4
P194			
Oxamyl(10)			
Oxamyl	23135-22-0	0.056	0.28
P196			
Manganese dimethyldithiocarbamates (total)(10)			
Dithiocarbamates (total)	NA	0.028	28
P197			
Formparanate(10)			
Formparanate	17702-57-7	0.056	1.4
P198			
Formetanate hydrochloride(10)			
Formetanate hydrochloride	23422-53-9	0.056	1.4
P199			
Methiocarb(10)			
Methiocarb	2032-65-7	0.056	1.4
P201			
Promecarb(10)			
Promecarb	2631-37-0	0.056	1.4
P202			
m-Cumenyl methylcarbamate(10)			
m-Cumenyl methylcarbamate	64-00-6	0.056	1.4
P203			
Aldicarb sulfone(10)			
Aldicarb sulfone	1646-88-4	0.056	0.28
P204			
Physostigmine(10)			
Physostigmine	57-47-6	0.056	1.4
P205			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Zirman(10) <u>Dithiocarbamates</u> (total)	NA	0.028	28		
U001 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBST		
U002 Acetone Acetone	67-64-1	0.28	160		
U003 Acetonitrile Acetonitrile Acetonitrile; alternate standard for nonwastewaters only	75-05-8 75-05-8 (6)5-05-8	5.6 NA	CMBSTINGIN 381-8		
U004 Acetophenone Acetophenone	98-86-2	0.010	9.7		
U005 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3	0.059	140		
U006 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb	CMBST		
U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	84		
U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U012 Aniline Aniline	62-53-3	0.81	14		
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U015 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBSTINGIN		
U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBSTINGIN	CMBST		
U017 Benzal chloride Benzal chloride					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	
Benzal chloride			
U018			
Benz(a)anthracene	56-55-3	0.059	3.4
U-19			
Benzene	71-43-2	0.14	10
U020			
Benzenesulfonyl chloride			
Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U021			
Benzidine			
Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U022			
Benzo(a)pyrene	50-32-8	0.061	3.4
U023			
Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBSTINEIN	CHOXD; CHRED; or CMBST
U024			
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
U025			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026			
Chlornaphazine			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	
Chlornaphazine			CMBSTINEIN
U027			
bis(2-Chloroisopropyl)ether			
bis(2-Chloroisopropyl) ether	39638-32-9 100-60-1	0.055	7.2
U028			
bis(2-Ethylhexyl)phthalate			
bis(2-Ethylhexyl)-phthalate	117-81-7	0.28	28
U029			
Methyl bromide (Bromomethane)			
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
U030			
4-Bromophenyl phenyl ether			
4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031			
n-Butyl alcohol			
n-Butyl alcohol	71-36-3	5.6	2.6
U032			
Calcium chromate			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
U033			
Carbon oxyfluoride			
Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U034			
Trichloroacetaldehyde (Chloral)			
Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U035			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chlorambucil Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U036 Chlordane Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037 Chlorobenzene Chlorobenzene	108-90-7	0.057	6.0
U038 Chlorobenzilate Chlorobenzilate	510-15-6	0.10	<u>CMBSTINGIN</u>
U039 p-Chloro-m-cresol p-Chloro-m-cresol	59-50-7	0.018	14
U041 Epichlorohydrin (1- 2-Chloro-2,3-epoxypropane) Epichlorohydrin (1- 2-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062	<u>CMBSTINGIN</u>
U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0
U044 Chloroform Chloroform	67-66-3	0.046	6.0
U045 Chloromethane (Methyl chloride) Chloromethane (Methyl	74-87-3	0.19	30

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

chloride)			
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U050 Chrysene Chrysene	218-01-9	0.059	3.4
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) Lead	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3 1330-20-7 7439-92-1	0.059 0.089 0.059 0.067 0.080 0.32	5.6 7.4 5.6 8.2 10 30
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p- cresol) p-Cresol (difficult to	95-48-7 108-39-4 106-44-5	0.11 0.77 0.77	5.6 5.6 5.6

0.37 mg/l TCLP

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distinguish from m-cresol)
Cresol-mixed isomers
(Cresylic acid)
(sum of o-, m-, and p-cresol concentrations)

1319-77-3 0.88

11.2

U053

Crotonaldehyde
Crotonaldehyde

4170-30-3

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBST

U055

Cumene
Cumene

98-82-8

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBST

U056

Cyclohexane
Cyclohexane

110-82-7

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBST

U057

Cyclohexanone
Cyclohexanone
Cyclohexanone;
alternate(6) standard
for nonwastewaters only

108-94-1
108-94-10.36
NACMBST
0.75 mg/l TCLP

U058

Cyclophosphamide
Cyclophosphamide

50-18-0

CARN; or
CMBSTINGIN

CMBST

U059

Daunomycin
Daunomycin

20830-81-3

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBSTINGIN

U060

Di-n-butyl phthalate
Di-n-butyl phthalate

84-74-2

0.057

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POLLUTION CONTROL BOARD

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DDD

o,p'-DDD

53-19-0

0.023

0.087

p,p'-DDD

72-54-8

0.023

0.087

U061

DDT

o,p'-DDT

789-02-6

0.0339

0.087

p,p'-DDT

50-29-3

0.0039

0.087

o,p'-DDD

53-19-0

0.023

0.087

p,p'-DDD

72-54-8

0.023

0.087

o,p'-DDE

3424-82-6

0.031

0.087

p,p'-DDE

72-55-9

0.031

0.087

U062

Diallate

Diallate

2303-16-4

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBSTINGIN

U063

Dibenz(a,h)anthracene

53-70-3

0.055

8.2

U064

Dibenz(a,i)pyrene

189-55-9

(WETOX or
CHOXD) fb
CARN; or
CMBSTINGIN

CMBST

U066

1,2-Dibromo-3-chloro-
propane 1,2-Dibromo-30
chloropropane

96-12-8

0.11

15

U067

Ethylene dibromide (1,2-Dibromoethane)
Ethylene dibromide (1,2- 106-93-4
Dibromoethane)

0.028

15

U068

Dibromoethane
Dibromoethane

74-95-3

0.11

15

U069

Di-n-butyl phthalate
Di-n-butyl phthalate

84-74-2

0.057

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U070 o-Dichlorobenzene o-Dichlorobenzene	95-50-1	0.088	6.0
U071 m-Dichlorobenzene m-Dichlorobenzene	541-73-1	0.036	6.0
U072 p-Dichlorobenzene p-Dichlorobenzene	106-46-7	0.090	6.0
U073 3,3'-Dichlorobenzidine 3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>
U074 1,4-Dichloro-2-butene cis-1,4-Dichloro-2- butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>
trans-1,4-Dichloro-2- butene	764-41-0	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>
U075 Dichlorodifluoromethane Dichlorodifluoromethane	75-71-8	0.23	7.2
U076 1,1-Dichloroethane 1,1-Dichloroethane	75-34-3	0.059	6.0
U077 1,2-Dichloroethane 1,2-Dichloroethane	107-06-2	0.21	6.0
U078 1,1-Dichloroethylene 1,1-Dichloroethylene	75-35-4	0.025	6.0
U079 1,2-Dichloroethylene			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

trans-1,2-Dichloro- ethylene	156-60-5	0.054	30
U080 Methylene chloride Methylene chloride	75-09-2	0.089	30
U081 2,4-Dichlorophenol 2,4-Dichlorophenol	120-83-2	0.044	14
U082 2,6-Dichlorophenol 2,6-Dichlorophenol	87-65-0	0.044	14
U083 1,2-Dichloropropane 1,2-Dichloropropane	78-87-5	0.85	18
U084 1,3-Dichloropropylene cis-1,3-Dichloro- propylene trans-1,3-Dichloro- propylene	10061-01-5 10061-02-6	0.036 0.036	18 18
U085 1,2:3,4-Diepoxybutane 1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST
U086 N,N'-Distylylhydrazine N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINEIN</u>	CHOXD; CHRED; or CMBST
U087 o,o-Diethyl S-methyldithiophosphate o,o-Diethyl S-methyl- dithiophosphate	3288-58-2	CARBN; or <u>CMBSTINEIN</u>	CMBST
U088 Diethyl phthalate Diethyl phthalate	84-66-2	0.20	28

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST
U090 Dihydrosafole Dihydrosafole	94-58-6	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST
U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U092 Dimethylamine Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U093 p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene	60-11-7	0.13	<u>CMBSTINGIN</u>
U094 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST
U095 3,3'-Dimethylbenzidine 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U096 alpha, alpha-Dimethyl benzyl hydroperoxide alpha, alpha-Dimethyl	80-15-9	CHOXD; CHRED;	CHOXD; CHRED;

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

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benzyl hydroperoxide		CARBN; BIODG; or <u>CMBSTINGIN</u>	or CMBST
U097 Dimethylcarbamoyl chloride Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U098 1,1-Dimethylhydrazine 1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINGIN</u>	CHOXD; CHRED; or CMBST
U099 1,2-Dimethylhydrazine 1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINGIN</u>	CHOXD; CHRED; or CMBST
U101 2,4-Dimethylphenol 2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINGIN</u>	CHOXD; CHRED; or CMBST
U105 2,4-Dinitrotoluene 2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene 2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate Di-n-octyl phthalate	117-84-0	0.017	28
U108			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,4-Dioxane 1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST	U115 Ethylene oxide Ethylene oxide;	75-21-8	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CHOXD; or <u>CMBSTINGIN</u>
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	NA	170	Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	<u>CMBSTINGIN</u> 0.12	NA
U109 1,2-Diphenylhydrazine 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINGIN</u>	CHOXD; CHRED; or CMBST	U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
1,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7	0.087	NA	U117 Ethyl ether Ethyl ether	60-29-7	0.12	160
U110 Dipropylamine Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>	U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160
U111 Di-n-propylnitrosamine Di-n-propylnitrosamine	621-64-7	0.40	14	U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>
U112 Ethyl acetate Ethyl acetate	141-78-6 141-78-8	0.34	33	U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
U113 Ethyl acrylate Ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST	U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-69-4	0.020	.30
U114 Ethylenebisdithiocarb- amic acid salts and esters Ethylenebisdithio- Carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	<u>CMBSTINGIN</u>	U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINGIN</u>	CMBST

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NOTICE OF PROPOSED AMENDMENTS

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NOTICE OF PROPOSED AMENDMENTS

U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST			
U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST			
U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST			
U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST			
U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	0.055	10			
U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	5.6			
U129 Lindane alpha-BHC beta-BHC delta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.066 0.066 0.066 0.066			
U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4			
U131 Hexachloroethane Hexachloroethane	67-72-1	0.055				30
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>				<u>CMBSTINEIN</u>
U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or <u>CMBSTINEIN</u>				CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35				ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or <u>CMBSTINEIN</u>				CHOXD; CHRED; or <u>CMBSTINEIN</u>
U136 Cacodylic acid Arsenic	7440-38-2	1.4				5.0 mg/l TCLP
U137 Indeno(1,2,3-cd)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055				3.4
U138 Iodomethane Iodomethane	74-88-4	0.19				65
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6				170
U141 Isosafrole Isosafrole	120-58-1	0.081				2.6

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NOTICE OF PROPOSED AMENDMENTS

nonwastewaters

U155
Methapyrilene
Methapyrilene

91-80-5

0.081

1.5

U156

Methyl chlorocarbonate
Methyl chlorocarbonate

79-22-1

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBSTINGIN

U157

3-Methylcholanthrene
3-Methylcholanthrene

56-49-5

0.0055

15

U158

4,4'-Methylene bis(2-chloroaniline)
4,4'-Methylene bis(2-
chloroaniline)

101-14-4

0.50

30

U159

Methyl ethyl ketone
Methyl ethyl ketone

78-93-3

0.28

36

U160

Methyl ethyl ketone peroxide
Methyl ethyl ketone
peroxide

1338-23-4

CHOXD; CHRED;
CARBN; BIODG;
or CMBSTINGIN

CHOXD; CHRED;
or CMBST

U161

Methyl isobutyl ketone
Methyl isobutyl ketone

108-10-1

0.14

33

U162

Methyl methacrylate
Methyl methacrylate

80-62-6

0.14

160

U163

N-Methyl-N'-nitro-N-nitrosoquandine
N-Methyl-N'-nitro-N-
nitrosoquandine

70-25-7

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBSTINGIN

U164

POLLUTION CONTROL BOARD

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Methylthiouracil
Methylthiouracil

56-04-2

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBSTINGIN

U165

Naphthalene
Naphthalene

91-20-3

0.059

5.6

U166

1,4-Naphthoquinone
1,4-Naphthoquinone

130-15-4

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBST

U167

1-Naphthylamine
1-Naphthylamine

134-32-7

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBSTINGIN

U168

2-Naphthylamine
2-Naphthylamine

91-59-8

0.52

CMBSTINGIN

U169

Nitrobenzene
Nitrobenzene

98-95-3

0.068

14

U170

p-Nitrophenol
p-Nitrophenol

100-02-7

0.12

29

U171

2-Nitropropane
2-Nitropropane

79-46-9

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

CMBSTINGIN

U172

N-Nitrosodi-n-butylamine
N-Nitrosodi-n-
butylamine

924-16-3

0.40

17

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U173 N-Nitrosodiethanolamine N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>		
U174 N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5	0.40	28		
U176 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>		
U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>		
U178 N-Nitroso-N-methylurethane N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>		
U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35		
U180 N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35		
U181 5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28		
U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb	<u>CMBST</u>		
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10		
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>		
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBST</u>		
U187 Phenacetin Phenacetin	62-44-2	0.081	16		
U188 Phenol Phenol	108-95-2	0.039	6.2		
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or <u>CMBSTINEIN</u>	CHOXD; CHRED; or <u>CMBSTINEIN</u>		
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28		
U195 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8		
U196 Pentachloroethane; alternate(6) standards for both wastewaters and wastewaters	76-01-7	0.055	6.0		

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U211 Carbon tetrachloride Carbon tetrachloride	56-23-5 0.057	U221 Toluenediamine Toluenediamine	25376-45-8 CARN; or <u>CMBSTINGIN</u>
U213 Tetrahydrofuran Tetrahydrofuran	109-99-9 (WETOX or CHOXD) fb CARN; or <u>CMBSTINGIN</u>	U222 o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5 (WETOX or CHOXD) fb CARN; or <u>CMBSTINGIN</u>
U214 Thallium (I) acetate Thallium (measured in wastewaters only)	7440-28-0 1.4	U223 Toluene diisocyanate Toluene diisocyanate	26471-62-5 CARN; or <u>CMBSTINGIN</u>
U215 Thallium (I) carbonate Thallium (measured in wastewaters only)	7440-28-0 1.4	U225 Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2 0.63 15
U216 Thallium (I) chloride Thallium (measured in wastewaters only)	7440-28-0 1.4	U226 1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6 0.054 6.0
U217 Thallium (I) nitrate Thallium (measured in wastewaters only)	7440-28-0 1.4	U227 1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5 0.054 6.0
U218 Thioacetamide Thioacetamide	62-55-5 (WETOX or CHOXD) fb CARN; or <u>CMBSTINGIN</u>	U228 Trichloroethylene Trichloroethylene	79-01-6 0.054 6.0
U219 Thiourea Thiourea	62-56-6 (WETOX or CHOXD) fb CARN; or <u>CMBSTINGIN</u>	U234 1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4 (WETOX or CHOXD) fb CARN; or <u>CMBSTINGIN</u>
U220 Toluene Toluene	108-88-3 0.080	U235 tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	126-72-7 0.11 0.10
		U236 Trypan Blue	

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CMBSTINGIN(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

Trypan Blue

72-57-1

U237

Uracil mustard

Uracil mustard

66-75-1

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

U238

Urethane (Ethyl carbamate)

Urethane (Ethyl

carbamate

51-79-6

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

U239

Xylenes

Xylenes-mixed isomers

(sum of o-, m-, and p-
xylene concentrations)

1330-20-7

0.32

30

U240

2,4-D (2,4-Dichlorophenoxyacetic acid)

2,4-D (2,4-Dichloro-

phenoxyacetic acid)

94-75-7

0.72

10

CMBSTINGIN(WETOX or
CARBN; or
CHOXD) fb
CMBSTINGIN

NA

2,4-D (2,4-Dichloro-
phenoxyacetic acid)
salts and esters

U243

Hexachloropropylene

Hexachloropropylene

1888-71-7

0.035

30

U244

Thiram

Thiram

137-26-8

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

U246

Cyanogen bromide

Cyanogen bromide

506-68-3

CHOXD; WETOX;

CHOXD; WETOX;

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or CMBSTINGINor CMBSTINGIN

U247

Methoxychlor

Methoxychlor

72-43-5

0.25

0.18

U248

Warfarin, & salts, when present at concentrations of 0.3% or less

Warfarin

81-81-2

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINGIN

U249

Zinc phosphide, Zn[3]P[2], when present at concentrations of 10% or less

Zinc Phosphide

1314-84-7

CHOXD; CHRED;
or CMBSTINGIN or CMBSTINGIN

U271

Benomyl(10)

Benomyl

17804-35-2

0.056

1.4

U278

Bendiocarb(10)

Bendiocarb

22781-23-3

0.056

1.4

U279

Carbaryl(10)

Carbaryl

63-25-2

0.006

0.14

U280

Barban(10)

Barban

101-27-9

0.056

1.4

U328

o-Toluidine

o-Toluidine

95-53-4

CMBSTINGIN;
or CHOXD fb
(BIODG or
CARBN); or
BIODG fb CARBNCMBSTINGIN;
or-thermat
Beatructon

U353

p-Toluidine

p-Toluidine

1-6-49-0

CMBSTINGIN;
or CHOXD fb
(BIODG or
CARBN); orCMBSTINGIN;
or-thermat
Beatructon

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		BIODG fb CARBN	
U359			
2-Ethoxyethanol			
2-Ethoxyethanol	110-80-5	CMBST	
		CMBST;NEIN; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	
U364			
Bendiocarb phenol(10)			
Bendiocarb phenol	22961-82-6	0.056	1.4
U367			
Carbofuran phenol(10)			
Carbofuran phenol	1563-38-8	0.056	1.4
U372			
Carbendazim(10)			
Carbendazim	10605-21-7	0.056	1.4
U373			
Propam(10)			
Propam	122-42-9	0.056	1.4
U387			
Prosulfocarb(10)			
Prosulfocarb	52888-80-9	0.042	1.4
U389			
Triallate(10)			
Triallate	2303-17-5	0.042	1.4
U394			
A2213(10)			
A2213	30558-43-1	0.042	1.4
U395			
Diethylene glycol, dicarbamate(10)			
Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4
U404			
Triethylamine(10)			
Triethylamine	101-44-8	0.081	1.5
U409			

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Thiophanate-methyl(10)			
Thiophanate-methyl	23564-05-8	0.056	1.4
U410			
Thiodicarb(10)			
Thiodicarb	59669-26-0	0.019	1.4
U411			
Propoxur(10)			
Propoxur	114-26-1	0.056	1.4

Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728. Table C, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

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7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. 738.101(d).)

10 This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

NA means not applicable.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"
A2213(6)	30558-43-1	0.042	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38±8
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb Sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendiocarb phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	53-25-2	0.006	0.14

Carbenzadim(6)	10605-21-7	0.056	1.4
Carbofuran(6)	1563-66-2	0.006	0.14
Carbofuran phenol(6)	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan(6)	55285-14-8	0.028	1.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloro- ethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloro- isopropyl)ether	39638-32-9 108-60-1	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
2-Chloroethyl-vinyl ether	110-75-8	0.062	NA
Chloromethane (Methyl chloride)	74-87-3	0.19	30

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2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
1,2-Dibromo-3-chloropropane	96-12-0	0.11	15
Ethylene-dibromide 1,2-Dibromoethane	106-93-4	0.020	15
Bibromomethane	74-95-3	0.11	15
2,4-Bis(2,4-Dichlorophenoxy)acetic acid	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

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Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-91	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Diethrin	60-57-1	0.017	0.13
Diethylene glycol, dicarbamate(6)	5952-26-1	0.056	1.4
Diethyl phthalate	84-66-2	0.20	28

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<u>p-Dimethylaminoazo- benzene</u>	<u>60-11-7</u>	<u>0.13</u>	<u>NA</u>	Endosulfan II	<u>33213-65-9</u> <u>33213-6-5</u>	0.029	0.13
2,4-Dimethyl phenol	105-67-9	0.036	14	Endosulfan Sulfate	<u>1031-07-8</u> <u>1-31-07-8</u>	0.029	0.13
Dimethyl phthalate	131-11-3	0.047	28	Endrin	72-20-8	0.0028	0.13
<u>Dimetilan(6)</u>	<u>644-64-4</u>	<u>0.056</u>	<u>1.4</u>	Endrin aldehyde	7421-93-4	0.025	0.13
Di-n-butyl phthalate	84-74-2	0.057	28	<u>EPTC(6)</u>	<u>759-94-4</u>	<u>0.042</u>	<u>1.4</u>
1,4-Dinitrobenzene	100-25-4	0.32	2.3	Ethyl acetate	141-78-6	0.34	33
4,6-Dinitro-o-cresol	534-52-1	0.28	160	<u>Ethyl-cyanide</u> <u>(propanenitrile)</u>	<u>107-12-0</u>	0.24	360
2,4-Dinitrophenol	51-28-5	0.12	160	Ethyl benzene	100-41-4	0.057	10
2,4-Dinitrotoluene	121-14-2	0.32	140	<u>Ethyl cyanide</u> <u>(Propanenitrile)</u>	60-29-7	0.12	160
2,6-Dinitrotoluene	606-20-2	0.55	28	Ethyl ether	<u>117-81-7</u>	<u>0.20</u>	<u>28</u>
Di-n-octyl phthalate	117-84-0	0.017	28	<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	97-63-2	0.14	160
<u>p-Dimethylaminoazo- benzene</u>	<u>60-11-7</u>	<u>0.13</u>	<u>NA</u>	Ethylene oxide	75-21-8	0.12	NA
Di-n-propyl nitrosamine	621-64-7	0.40	14	<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>
1,4-Dioxane	123-91-1	<u>12.0NA</u>	170	Ethyl methacrylate	52-85-7	0.017	15
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13	Fluoranthene	206-44-0	0.068	3.4
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13	Fluorene	86-73-7	0.059	3.4
1,2-Diphenylhydrazine	122-66-7	0.087	NA	<u>Formetanate hydro-</u> <u>chloride(6)</u>	<u>23422-53-9</u>	<u>0.056</u>	<u>1.4</u>
Disulfoton	298-04-4	0.017	6.2	<u>Formparanate(6)</u>	<u>17702-57-7</u>	<u>0.056</u>	<u>1.4</u>
<u>Dithiocarbamates</u> <u>(total)(6)</u>	<u>137-30-4</u>	<u>0.028</u>	<u>28</u>	Heptachlor	76-44-8	0.0012	0.066
Endosulfan I	959-98-8 <u>999-98-8</u>	0.023	0.066	Heptachlor epoxide	1024-57-3	0.016	0.066

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Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro-cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isolan(6)	<u>119-38-0</u>	<u>0.056</u>	<u>1.4</u>
Isosafrole	120-58-1	0.081	2.6
Kepone	<u>143-50-0</u> 143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb(6)	<u>2032-65-7</u>	<u>0.056</u>	<u>1.4</u>
Methomyl(6)	<u>16752-77-5</u>	<u>0.028</u>	<u>0.14</u>
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-	101-14-4	0.50	30

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chloroaniline)			
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb(6)	<u>1129-41-5</u>	<u>0.056</u>	<u>1.4</u>
Hexacarbate(6)	<u>315-18-4</u>	<u>0.056</u>	<u>1.4</u>
Iolinatate(6)	<u>2212-67-1</u>	<u>0.042</u>	<u>1.4</u>
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3

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N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine(6)	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine(6)	57-47-6	0.056	1.4
Physostigmine salicylate(6)	57-64-7	0.056	1.4
Promecarb(6)	2631-37-0	0.056	1.4

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Pronamide	23950-58-5	0.093	1.5
Propam(6)	122-42-9	0.056	1.4
Propoxur(6)	114-26-1	0.056	1.4
Prosulfocarb(6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-TP 1,2,4,5-Tetrachloro- phenoxyacetic acid	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-5 79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Thiodicarb(6)	59669-26-0	0.019	1.4
Thiophanate-methyl(6)	23564-05-8	0.056	1.4
Tirpate(6)	26419-73-8	0.056	0.28
Toluene	108-88-3	0.080	10

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Toxaphene	8001-35-2	0.0095	2.6	
Triallate(6)	2303-17-5	0.042	1.4	
Bromoform(Tribromo- methane (Bromoform))	75-25-2	0.63	15	
1,2,4-Trichlorobenzene	120-82-1	0.055	19	
1,1,1-Trichloroethane	71-55-6	0.054	6.0	
1,1,2-Trichloroethane	79-00-5	0.054	6.0	
Trichloroethylene	79-01-6	0.054	6.0	
Trichloromonofluoro- methane	75-69-4	0.020	30	
2,4,5-Trichlorophenol	95-95-4	0.18	7.4	
2,4,6-Trichlorophenol	88-06-2	0.035	7.4	
2,4,5-Trichlorophenoxy- acetic acid/2,4,5-T	93-76-5	0.72	7.9	
1,2,3-Trichloropropane	96-18-4	0.85	30	
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30	
Triethylamine(6)	101-44-8	0.081	1.5	
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10	
Vernolate(6)	1929-77-7	0.042	1.4	
Vinyl chloride	75-01-4	0.27	6.0	
Xylenes-mixed isomers sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30	
Antimony	7440-36-0	1.9	2.1 mg/l TCLP	
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
Barium	7440-39-3	1.2	7.6 mg/l TCLP	

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Beryllium	7440-41-7	0.82	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride	16984-48-8 16964-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-22-4	0.43	0.30 mg/l TCLP
Sulfide	18496-25-8 8496-25-8	14	NA
Thallium	7440-28-0	1.4	0.078 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	0.23 mg/l TCLP
Zinc(5)	7440-66-6	2.61	5.3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical

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requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

- 5 These constituents Vanadium--and--zinc are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

- 6 This footnote corresponds with note 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

Note: NA means not applicable.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: RCRA and UIC Permit Programs

- 2) Code Citation: 35 Ill. Adm. Code 702

- 3) Section Numbers: Proposed Action:
702.110 Amended

- 4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

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August 14, 1995

(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995

(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995

(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995

(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995

(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995

(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995

(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

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December 11, 1995

(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996

(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996

(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996

(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996

(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996

(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations.
USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996

(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions).
In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996

(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996

(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996

(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule.
USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

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need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996

(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996

(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997

(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997

(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

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May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 702 implement aspects of the December 11, 1995 federal RCRA Subtitle C permitting procedural amendments.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. The existing text of Part 702 includes incorporations by reference, which are centrally located at 35 Ill. Adm. Code 720.111, but the instant amendments do not affect those incorporations in any material way. This is despite the fact that Part 702 references 40 CFR 136 and the present amendments update the edition of that reference that is incorporated. The Board does not believe that the updated version of those federal regulations affects the implementation of the RCRA Subtitle C regulations in any material way.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation,

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treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

In particular the amendments to Part 702 alter the procedures for obtaining a RCRA Subtitle C facility permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

In particular the amendments to Part 702 implement aspects of the December 11, 1995 federal RCRA Subtitle C permitting procedural amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
702.101	Purpose, Scope, and Applicability
702.102	Purpose and Scope(Repealed)
702.103	Confidentiality of Information Submitted to the Agency or Board
702.104	References
702.105	Rulemaking
702.106	Adoption of Agency Criteria
702.107	Permit Appeals and Review of Agency Determinations
702.108	Variances and Adjusted Standards
702.109	Enforcement Actions
702.110	Definitions

SUBPART B: PERMIT APPLICATIONS

Section	
702.120	Permit Application
702.121	Who Applies
702.122	Completeness
702.123	Information Requirements
702.124	Recordkeeping
702.125	Continuation of Expiring Permits
702.126	Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section	
702.140	Conditions Applicable to all Permits
702.141	Duty to Comply
702.142	Duty to Reapply
702.143	Need to Halt or Reduce Activity Not a Defense
702.144	Duty to Mitigate
702.145	Proper Operation and Maintenance
702.146	Permit Actions
702.147	Property Rights
702.148	Duty to Provide Information
702.149	Inspection and Entry
702.150	Monitoring and Records
702.151	Signature Requirements

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registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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- 702.152 Reporting Requirements
 702.160 Establishing Permit Conditions
 702.161 Duration of Permits
 702.162 Schedules of Compliance
 702.163 Alternative Schedules of Compliance
 702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

- Section
 702.181 Effect of a Permit
 702.182 Transfer
 702.183 Modification
 702.184 Causes for Modification
 702.185 Facility Siting
 702.186 Revocation
 702.187 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 1, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 1, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 1933, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 8, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a

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definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environment Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act", whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program that has been approved or authorized by EPA under 40 CFR 271 (1996 1992) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or

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radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 U.S.C. 1251 et seq. (1996 ~~1992~~).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility ~~Facility~~" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of a "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling mud ~~Mud~~" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

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"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" ("EPA" or "USEPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for construction commenced on or before November 19, 1980. A facility has commenced construction if:

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

The owner or operator has obtained the Federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- that cannot be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances

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thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996 1992). EPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or

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"disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program that has met the requirements of Section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996 1992). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" that contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site that is not "on-site".

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"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.113 through 703.157), UIC authorization by rule (35 Ill. Adm. Code 70. through Subpart C), or any permit that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "WM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

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"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (1996 1992)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 U.S.C. 300f et seq. (1996 1992)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State that coordinates EPA and State activities, responsibilities, and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or

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layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

Supplies any public water system; or

Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

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That is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility that is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 (1996 ±994) and 270.2 (1996 ±994)7-as amended-at-60-Fed-Reg-33914-4-June-29-1995).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers:
703.180, 703.183
703.191, 703.192, 703.193
703.213, 703.221, 703.223
703.225, 703.232, 703.240
703.248
703.260
- Proposed action:
Amended
New Section
Amended
Amended
New Section
Amended
- 4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27
- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal Action		Summary
July 7, 1995 (61 Fed. Reg. 35452)	Corrections to Subpart CC rules.	US EPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.
July 11, 1995 (61 Fed. Reg. 35703)	Addition of test method for testing biodegradability of absorbent materials.	USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste

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- absorbed in such materials.
- August 2, 1995
(61 Fed. Reg. 39586)
- August 14, 1995
(61 Fed. Reg. 41817)
- August 28, 1995
(61 Fed. Reg. 44670)
- September 29, 1995
(61 Fed. Reg. 50426)
- October 16, 1995
(61 Fed. Reg. 53529)
- October 23, 1995
(61 Fed. Reg. 54311)
- October 30, 1995
(61 Fed. Reg. 55202)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

USEPA added whole effluent toxicity testing to the approved methods.

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

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November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes

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exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixture rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996)

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of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal Action

July 10, 1996

(61 Fed. Reg. 36419)

Summary

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996

(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996

(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

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January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 703 implement the permitting aspects of the federal Subpart CC organic material emissions rules and the primary aspects of the December 11, 1995 federal RCRA Subtitle C permitting procedural amendments.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.
The amendments to Part 703 include amendments to incorporations by reference. The amendments add two incorporations of federal monitoring

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methods from the Code of Federal Regulations for the purposes of the Subpart CC requirements. The incorporations are centrally located at 35 Ill. Adm. Code 720.111, and associated amendments to Part 720 include numerous additions and amendments to those incorporations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The amendments to Part 703 include the primary aspects of the requirements for public participation in RCRA Subtitle C permitting and the permitting aspects of the Subpart CC rules.

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B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The amendments to Part 703 include the primary aspects of the requirements for public participation in RCRA Subtitle C permitting and the permitting aspects of the Subpart CC rules.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
 703.100
 703.101
 703.110

Scope and Relation to Other Parts
 Purpose
 References

SUBPART B: PROHIBITIONS

Section
 703.120
 703.121
 703.122
 703.123
 703.124
 703.125
 703.126
 703.127

Prohibitions in General
 RCRA Permits
 Specific Inclusions in Permit Program
 Specific Exclusions from Permit Program
 Discharges of Hazardous Waste
 Reapplications
 Initial Applications
 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
 703.140
 703.141
 703.150
 703.151
 703.152
 703.153
 703.154
 703.155
 703.156
 703.157
 703.158
 703.159
 703.160

Purpose and Scope
 Permits by Rule
 Application by Existing HWM Facilities and Interim Status
 Qualifications
 Application by New HWM Facilities
 Amended Part A Application
 Qualifying for Interim Status
 Prohibitions During Interim Status
 Changes During Interim Status
 Interim Status Standards
 Grounds for Termination of Interim Status
 Permits for Less Than an Entire Facility
 Closure by Removal
 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

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703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.191 Public Participation: Pre-Application Public Notice and Meeting
 703.192 Public Participation: Public Notice of Application
 703.193 Public Participation: Information Repository
 703.200 Specific Part B Application Information
 703.201 Containers
 703.202 Tank Systems
 703.203 Surface Impoundments
 703.204 Waste Piles
 703.205 Incinerators that Burn Hazardous Waste
 703.206 Land Treatment
 703.207 Landfills
 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
 703.209 Miscellaneous Units
 703.210 Process Vents
 703.211 Equipment
 703.212 Drip Pads
 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.221 Emergency Permits
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Trial Burns for Existing Incinerators
 703.230 Land Treatment Demonstration
 703.231 Research, Development and Demonstration Permits
 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions
 703.242 Noncompliance Pursuant to Emergency Permit
 703.243 Monitoring
 703.244 Notice of Planned Changes (Repealed)
 703.245 Twenty-four Hour Reporting

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703.246 Reporting Requirements
 703.247 Anticipated Noncompliance
 703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section

703.260 Transfer
 703.270 Modification
 703.271 Causes for Modification
 703.272 Causes for Modification or Reissuance
 703.273 Facility Siting
 703.280 Permit Modification at the Request of the Permittee
 703.281 Class 1 Modifications
 703.282 Class 2 Modifications
 703.283 Class 3 Modifications

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20701, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

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NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART D: APPLICATIONS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- A general description of the facility;
- Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988; ~~end-724-993~~;
- A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;
- A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;
BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.
- A description of procedures, structures, or equipment used at the facility to:
 - Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - Prevent contamination of water supplies;
 - Mitigate effects of equipment failure and power outages;
 - Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - Prevent releases to the atmosphere.
- A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including

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- documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface

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- water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
 - 5) A wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HWM facility site;
 - 8) Access control (e.g., fences, gates, etc.);
 - 9) Injection and withdrawal wells both on-site and off-site;
 - 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
 - 11) Barriers for drainage or flood control;
 - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.

- s) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued; and
- t) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; a summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (1996 1994), as amended at 61 59 Fed. Reg. 59996 62952 (Nov. 25, 1996 Dec-67-1994).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- a) Applicability. The requirements of this Section shall apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section shall also apply to any RCRA Part B application seeking renewal of a permit for such a unit, where the renewal application is proposing a significant change in facility operations. For the purposes of this Section, a "significant change" is any change that would qualify as a class 3 permit modification under Sections 703.283 and 703.280. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- b) Prior to the submission of a RCRA Part B permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of its proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- c) The applicant shall submit to the Agency, as part of its RCRA Part B permit application, a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b) of this Section and copies of any written comments or materials submitted at the meeting, in accordance with Section 703.183.
- d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain documentation of the notice and provide that documentation to the permitting agency upon request.
- 1) The applicant shall provide public notice in each of the following forms:

- A) A newspaper advertisement. The applicant shall publish a notice in a newspaper of general circulation in the county that hosts the proposed location of the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. In addition, the Agency shall instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties, where the Agency determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.
- B) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.
- C) A broadcast media announcement. The applicant shall broadcast a notice at least once on at least one local radio

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station or television station. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. The applicant may employ another medium with prior approval of the Agency.

- D) A notice to the Agency. The applicant shall send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government, in accordance with 35 Ill. Adm. Code 705.163(a).
- 2) The notices required under subsection (d)(1) of this Section must include:
- A) The date, time, and location of the meeting;
- B) A brief description of the purpose of the meeting;
- C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
- D) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
- E) The name, address, and telephone number of a contact person for the applicant.
- BOARD NOTE: Derived from 40 CFR 124.31 (1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 703.192 Public Participation: Public Notice of Application

- a) Applicability. The requirements of this Section shall apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section shall also apply to any RCRA Part B application seeking renewal of a permit for such a unit under 35 Ill. Adm. Code 702.125. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or a permit application submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- b) Notification at application submittal.
- 1) The Agency shall provide public notice as set forth in 35 Ill. Adm. Code 705.161, and notice to appropriate units of State and local government as set forth in that Section, that a Part B permit application has been submitted to the Agency and is available for review.
- 2) The notice shall be published within 10 calendar days after the application is received by the Agency. The notice must include:
- A) The name and telephone number of the applicant's contact person;
- B) The name and telephone number of the appropriate Agency regional office, as directed by the Agency, and a mailing

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address to which information, opinions, and inquiries may be directed throughout the permit review process:

- C) An address to which people can write in order to be put on the facility mailing list;
- D) The location where copies of the permit application and any supporting documents can be viewed and copied;
- E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and
- F) The date that the application was submitted.

c) Concurrent with the notice required under subsection (b) of this

Section, the Agency shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Agency regional office appropriate for the facility.

BOARD NOTE: Derived from 40 CFR 124.32 (1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 703.193 Public Participation: Information Repository

- a) Applicability. The requirements of this Section shall apply to any application seeking a RCRA permit for a hazardous waste management unit.
- b) The Agency shall assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency shall consider a variety of factors, including the following: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Agency determines, at any time after submittal of a permit application, that there is a need for a repository, then the Agency shall notify the facility that it must establish and maintain an information repository. (See Section 703.248 for similar provisions relating to the information repository during the life of a permit.)
- c) The information repository must contain all documents, reports, data, and information deemed necessary by the Agency to fulfill the purposes for which the repository is established. The Agency will have the discretion to limit the contents of the repository.
- d) The information repository must be located and maintained at a site chosen by the facility. If the Agency determines that the chosen site is unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Agency shall specify a more appropriate site.
- e) The Agency shall specify requirements for the applicant for informing

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the public about the information repository. At a minimum, the Agency shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

- f) The facility owner or operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Agency. The Agency may close the repository if it determines that the repository is no longer needed based on its consideration of the factors in subsection (b) of this Section.

BOARD NOTE: Derived from 40 CFR 124.33 (1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart CC shall provide the following additional information:

- a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) ~~(b)(2)-(b)(4)~~ that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1)(i).
- b) Identification of each container area subject to the requirements of 35 Ill. Adm. Code 724. Subpart CC and certification by the owner or operator that the requirements of this Subpart are met.
- c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) ~~(b)(2)-(b)(4)~~ that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111 information ~~prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design and certification by the owner or operator that the enclosure meets the specifications listed in 35 Ill. Adm. Code 725.997(b)(2)-(b)(4)~~.
- d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator

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or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 264.985(c)(1) 725-986(e).

- e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124 769-24(c) and (d).

- f) An emission monitoring plan for both Method 21 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

- g) When an owner or operator of a facility subject to 35 Ill. Adm. Code 725.Subpart CC cannot comply with 35 Ill. Adm. Code 724.Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27(a) (1996), as amended at 61 Fed. Reg. 59996 (Nov. 25, 1996) ~~7-added-at-59-Fed-Reg-62952-(Dec-67-1994)~~.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.221 Emergency Permits

- a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit:

- 1) To a non-permitted facility to allow treatment, storage or disposal of hazardous waste; or
- 2) To a permitted facility to allow treatment, storage or disposal of a hazardous waste not covered by an effective permit.

This emergency permit:

- 1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;
- 2) Shall not exceed 90 days in duration;
- 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal;
- 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment;
- 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:

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- A) Name and address of the office granting the emergency authorization;
- B) Name and location of the permitted HWM facility;
- C) A brief description of the wastes involved;
- D) A brief description of the action authorized and reasons for authorizing it; and
- E) Duration of the emergency permit; and
- 6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- 7) Emergency permits which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104. (BOARD NOTE: Derived from See 40 CFR 270.61 (1996).)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency shall establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants shall propose a trial burn plan, prepared under subsection (b) below with Part B of the permit application;

- b) The trial burn plan must include the following information:

- 1) An analysis of each waste or mixture of wastes to be burned that includes:

- A) Heat value of the waste in the form and composition in which it will be burned;
- B) Viscosity (if applicable), or description of physical form of the waste;
- C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.Appendix H, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721.Appendix H that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 816-R-84-010 Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;

- D) An approximate quantification of the hazardous constituents

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identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-57--EPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;

- 2) A detailed engineering description of the incinerator for which the permit is sought including:

- A) Manufacturer's name and model number of incinerator (if available);
- B) Type of incinerator;
- C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
- D) Description of the auxiliary fuel system (type/feed);
- E) Capacity of prime mover;
- F) Description of automatic waste feed cut-off system(s);
- G) Stack gas monitoring and pollution control equipment;
- H) Nozzle and burner design;
- I) Construction materials;
- J) Location and description of temperature, pressure and flow indicating and control devices;

- 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;

- 4) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under subsection (e) below;

- 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

- 6) A description of, and planned operating conditions for, any emission control equipment that will be used;

- 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;

- 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) below. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123.

- c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and shall require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section

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Subsection;

- d) Based on the waste analysis data in the trial burn plan, the Agency shall specify as trial principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent of constituents identified in 35 Ill. Adm. Code 721. Appendix G or H as the basis for listing;

- e) The Agency shall approve a trial burn plan if it finds that:
- 1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

- 2) The trial burn itself will not present an imminent hazard to human health or the environment;

- 3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
- 4) The information sought in subsections (e)(1) and (e)(3) above cannot reasonably be developed through other means;

- f) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in that Section, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

- 1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

- 2) This notice must contain:

- A) The name and telephone number of the applicant's contact person;

- B) The name and telephone number of the Agency regional office appropriate for the facility;

- C) The location where the approved trial burn plan and any support documents can be reviewed and copies; and

- D) An expected time period for commencement and completion of the trial burn;

- g) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
- 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, molecular oxygen and hydrogen chloride (HCl);
- 3) A quantitative analysis of the scrubber water (if any), ash

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- residues and other residues, for the purpose of estimating the fate of the trial POHCs;
- 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
 - 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 35 Ill. Adm. Code 724.443(b);
 - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
 - 7) An identification of sources of fugitive emissions and their means of control;
 - 8) A measurement of average, maximum and minimum temperatures and combustion gas velocity;
 - 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
 - 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;
- h)g) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (g) f) above. This submission must be made within 90 days after of completion of the trial burn, or later if approved by the Agency;
- i)h) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
- j)i) All submissions required by this Section subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
- k)j) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.
- BOARD NOTE: Derived from 40 CFR 270.62(b) (1996) f) (1992) r-es amended-at-59-Fed.-Reg.-46651-(Aug.-31-1993).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 703.225 Trial Burns for Existing Incinerators

For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit for an

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existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (e) and (g) through (j) f), or, instead, submit other information as specified in Section 703.205(c). The Agency shall announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of Section 703.223(f). The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Agency; the location where the trial burn plan and any supporting documents can be reviewed and copies; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants that who submit trial burn plans and receive approval before submission of a permit application shall complete the trial burn and submit the results, specified in Section 703.223(g) f), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency shall specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

BOARD NOTE: Derived from 40 CFR 270.62(d) (1996) f) 90077-es-amended-at-54-Fed-Reg--4288-January-30-1989.

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) through (f) of this Section below. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section below.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish in the

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Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) below, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data competition and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency shall review this statement and any other relevant information submitted with Part B of the

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permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride and ash;

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-9-84-Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-9-84-Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent.

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis

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of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

- 3) A detailed engineering description of the boiler or industrial furnace, including:

- A) Manufacturer's name and model number of the boiler or industrial furnace;
- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed Feed system for the hazardous waste, and as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff system(s); and
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.

- 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the systems, the equipment to be used, sampling and monitoring frequency and sample analysis.

- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) above.

- 6) a detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

- 7) A description of and planned operating conditions for any emission control equipment that will be used.

- 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) of this Section above.

- d) Trial burn procedures.

- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

- 2) The Agency shall approve a trial burn plan if the Agency finds that:

- A) The trial burn is likely to determine whether the boiler or

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industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107.

- B) The trial burn itself will not present an imminent hazard to human health and the environment;

- C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and

- D) The information sought in the trial burn cannot reasonably be developed through other means.

- 3) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in that Section, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

- B) This notice must contain:

- i) The name and telephone number of applicant's contact person;
- ii) The name and telephone number of the Agency regional office appropriate for the facility;
- iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copies; and
- iv) An expected time period for commencement and completion of the trial burn.

- 4) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section above. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

- 6) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.

- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents

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(POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721.Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721.Appendix G as the basis for listing.

f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
- 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
 - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a).
- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.
- 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d) or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards;
- 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;
- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and where required hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the

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performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). The Agency shall announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copies; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this Section above with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.
- BOARD NOTE: Derived from 40 CFR 270.66 (1996) (1992)77-as-amended--at 58-Ped7-Reg7-46051-(Aug7-317-1993).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART F: PERMIT CONDITIONS

Section 703.240 Permit Denial

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or only as to the active life of a

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HWM facility or unit only.

BOARD NOTE: Derived from 40 CFR 270.29 (1996) 7-as--adopted--at--54--Reg-- 96677--March-77-1989.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 703.248 Information Repository

The Agency may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Section 703.193(b). The information repository shall be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m) (1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.260 Transfer

a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under subsection (b) or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.

b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance with Section 703.281. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.Subpart H (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator shall demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency shall notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.40, as amended at 53 Fed. Reg. 37934, September 28, 1988.

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BOARD NOTE: The new operator may be required to employ a chief operator that who is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards Applicable To Transporters Of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 723

3) Section numbers:
723.110 Proposed action:
723.120 Amended
Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal Action

July 7, 1995
(61 Fed. Reg. 3452)

Summary
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

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August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

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December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

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need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)

Corrections to the Phase III LDRs.
USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

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February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 723 incorporate the transporter aspects of the OECD requirements for the international shipment of hazardous waste for recycling.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are,

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however, identical in substance to mandates imposed by federal law.

registered professional engineer.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997
The full text of the proposed amendments begins on the next page:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The amendments involved in Part 723 incorporate the transporter aspects of the OECD requirements for the international shipment of hazardous waste for recycling.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The amendments involved in Part 723 incorporate the transporter aspects of the OECD requirements for the international shipment of hazardous waste for recycling.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 723

STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Clean Up

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 723.110 Scope

- a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the

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- b) transportation requires a manifest under 35 Ill. Adm. Code Part 722. These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

- c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code Part 722, "Standards Applicable to Generators of Hazardous Waste", if he:

- 1) Transports hazardous waste into the United States from abroad; or
- 2) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

BOARD NOTE: Transporters that who store hazardous waste are required to comply with the storage standards in 35 Ill. Adm. Code Parts 724 and 725 and the permit requirements of 40 CFR Part 122.

- d) A transporter of hazardous waste subject to the manifesting requirements of 35 Ill. Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733 that is being imported from or exported to any of the countries listed in 35 Ill. Adm. Code 722.158(a)(1) for purposes of recovery is subject to this Subpart and to all other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.184 for tracking documents. Part-700-contains-rules--concerning--application--of--other Board-regulations-

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING**Section 723.120 The Manifest System**

- a) No acceptance without a manifest.

1) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722.120. In the case of exports other than those subject to 35 Ill. Adm. Code 722.Subpart H, a transporter shall not accept such waste from a primary exporter or other person:

A1) If the transporter knows the shipment does not conform with the USEPA Acknowledgement of Consent (as defined in 35 Ill. Adm. Code 722.151); and

B2) Unless, in addition to a manifest signed in accordance with 35 Ill. Adm. Code 722.120, the waste is also accompanied by a USEPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

- 2) For exports of hazardous waste subject to the requirements of 35

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Ill. Adm. Code 722.Subpart H, a transporter may not accept hazardous waste without a tracking document that includes all information required by 35 Ill. Adm. Code 722.184.

- b) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.
- c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter shall ensure that a copy of the USEPA Acknowledgement of Consent also accompanies the hazardous waste.
- d) A transporter that who delivers a hazardous waste to another transporter or to the designated facility shall:
 - 1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and
 - 2) Retain one copy of the manifest in accordance with Section 723.122; and
 - 3) Given the remaining copies of the manifest to the accepting transporter or designated facility.
- e) The requirements of subsections (c), (d) and (f) do not apply to water (bulk shipment) transporters if:
 - 1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
 - 2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste; and
 - 3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper; and
 - 4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and
 - 5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.
- f) For shipments involving rail transportation, the requirements of subsections (c), (d) and (e) do not apply and the following requirements do apply:
 - 1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:
 - A) Sign and date the manifest acknowledging acceptance of the hazardous waste;
 - B) Return a signed copy of the manifest to the non-rail transporter;

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- C) Forward at least three copies of the manifest to:
 - i) The next non-rail transporter, if any; or
 - ii) The designated facility, if the shipment is delivered to that facility by rail; or
 - iii) The last rail transporter designated to handle the waste in the United States;
- D) Retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.
- 2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste at all times.

(BOARD NOTE: Intermediate rail transporters are not required to sign either the manifest or shipping paper.)
- 3) When delivering hazardous waste to the designated facility, a rail transporter shall:
 - A) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
 - B) Retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.
- 4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:
 - A) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
 - B) Retain a copy of the manifest in accordance with Section 723.122.
- 5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.
- g) Transporters that who transport hazardous waste out of the United States shall:
 - 1) Indicate on the manifest the date the hazardous waste left the United States; and
 - 2) Sign the manifest and retain one copy in accordance with Section 723.122(c); and
 - 3) Return a signed copy of the manifest to the generator; and
 - 4) Give a copy of the manifest to a United States Customs official at the point of departure from the United States.
- h) A transporter transporting hazardous waste from a generator that who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in calendar month need not comply with the requirements of this Section or those of Section 723.122 provided that:
 - 1) The waste is being transported pursuant to a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

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- 2) The transporter records, on a log or shipping paper, the following information for each shipment:
- The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.112) of the generator of the waste;
 - The quantity of waste accepted;
 - All shipping information required by the United States Department of Transportation;
 - The date the waste is accepted; and
- 3) The transporter carrier this record when transporting waste to the reclamation facility; and
- 4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: Proposed Action:
 722.110, 722.134, 722.153 Amended
 722.156 Amended
 722.158, 722.180, 722.181 New Section
 722.182, 722.183, 722.184 New Section
 722.185, 722.186, 722.187 New Section
 722.189 New Section

- 4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal Action

July 7, 1995
(61 Fed. Reg. 35452)

Summary
 Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Summary
 Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in

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such materials.

August 2, 1995
(61 Fed. Reg. 39586)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

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November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require

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not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment.
USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations.
USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions).
In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule.
USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

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The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

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February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket present. reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 722 incorporate the main body of the OECD requirements for the international shipment of hazardous waste for recycling.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The amendments to Part 722 include amendments to incorporations by reference. The amendments add incorporations for OECD documents that list various wastes as red, amber, or green, depending on the degree of hazard they pose. The incorporations are centrally located at 35 Ill. Adm. Code 720.111, and associated amendments to Part 720 include numerous additions and amendments to those incorporations by reference.

9) Are there any other amendments pending on this Part? No

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10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeaman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The amendments involved in Part 722 incorporate the main body of the OECD requirements for the international shipment of hazardous waste for recycling.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The amendments involved in Part 722 incorporate the main body of the

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OBCD requirements for the international shipment of hazardous waste for recycling.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110
722.111
722.112

Purpose, Scope and Applicability
Hazardous Waste Determination
USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120
722.121
722.122
722.123

General Requirements
Acquisition of Manifests
Number of Copies
Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130
722.131
722.132
722.133
722.134

Packaging
Labeling
Marking
Placarding
Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140
722.141
722.142
722.143
722.144

Recordkeeping
Annual Reporting
Exception Reporting
Additional Reporting
Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150
722.151

Applicability
Definitions

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General Requirements

November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in 92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section

722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section

722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section

722.180 Applicability

722.181 Definitions

722.182 General Conditions

722.183 Notification and Consent

722.184 Tracking Document

722.185 Contracts

722.186 Provisions Relating to Recognized Traders

722.187 Reporting and Recordkeeping

722.189 OECD Waste Lists

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 1412, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective _____.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope and Applicability

- a) These regulations establish standards for generators of hazardous waste.
- b) 35 Ill. Adm. Code 721.105(c) and (d) must be used to determine the applicability of provisions of this Part that are dependent on calculations of the quantity of hazardous waste generated per month.
- c) A generator that ~~who~~ treats, stores or disposes of hazardous waste on-site must only comply with the following Sections of this Part with respect to that waste: Section 722.111 for determining whether or not the generator has a hazardous waste, Section 722.112 for obtaining an EPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and, if applicable, Section 722.170 for farmers.
- d) Any person that ~~who~~ exports or who imports hazardous waste subject to the hazardous waste manifesting requirements of this Part or subject to the universal waste management standards of 35 Ill. Adm. Code 733 to or from countries listed in Section 722.158(a)(1) for recovery into the United States ~~must comply with Subpart H of this Part~~ the standards applicable to generators established in this Part.
- e) A farmer that ~~who~~ generates waste pesticides which are hazardous waste and that ~~who~~ complies with all of the requirements of Section 722.170 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724, 725 or 728 with respect to such pesticides.
- f) A person that ~~who~~ generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.
- g) An owner or operator that ~~who~~ initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that ~~who~~ are shipping hazardous waste which they generated at that

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facility. A generator that who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725, 726 and 728.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsection subsections (d), (e), or (f) below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status; provided that:

- 1) The waste is placed:
 - A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I Subparts ~~17-AA7-BB7-and-EE~~; or
 - B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart Subparts ~~J4~~ ~~except 35 Ill. Adm. Code 725.297(c)~~ and 725.300~~7-AA7-BB7-and-EE~~; or
 - C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
 - D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

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- ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) above.
- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste" ¹⁷ and
- 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (agency procedural regulations).
- c) Accumulation near the point of generation.
 - 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) above, provided the generator:
 - A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a), and
 - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c) (1) above at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) above or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c) (1) above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
 - d) A generator that generates greater than 100 kilograms but less than

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- a) The Board incorporates by reference 40 CFR 262.56 (1996) 1991) 7-25 amended--at--56--Fed--Reg--43785,--September--47--1991. This Part, incorporates no future editions or amendments.
- b) Primary exporters of hazardous waste shall file with USEPA, no later than March 1 of each year, a report as specified in 40 CFR 262.56 (1996).
- c) The primary exporter shall send the Agency a copy of each the report sent to USEPA.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 722.158 International Agreements

- a) Any person that exports or imports hazardous waste subject to either the manifest requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733 which is shipped to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in subsection (a)(1) below, for purposes of recovery is subject to the requirements of Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where Subpart H applies.

1) For the purposes of this Subpart, the designated OECD countries are Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

- 2) Only for the purposes of transit under this Subpart, Canada and Mexico are considered OECD member countries.

- b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD**Section 722.180 Applicability**

- a) The requirements of this Subpart apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and which are destined for recovery operations in any of the countries listed in Section 722.158(a)(1). A waste is considered hazardous

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under U.S. national procedures if it meets the definition of hazardous waste in 35 Ill. Adm. Code 721.103 and it is subject to either the manifesting requirements in Subpart B of this Part or the universal waste management standards of 35 Ill. Adm. Code 733.

- b) Any person (notifier, consignee, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter and any notifier duties under this Subpart, as applicable.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.181 Definitions

The following definitions apply to this Subpart:

"Competent authorities" means the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

"Concerned countries" means the exporting and importing OECD member countries and any OECD member countries of transit.

"Consignee" means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

"Country of transit" means any designated OECD country in Section 722.158(a)(1) and (a)(2) other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

"Exporting country" means any designated OECD member country in Section 722.158(a)(1) from which a transfrontier movement of wastes is planned or has commenced.

"Importing country" means any designated OECD country in Section 722.158(a)(1) to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

"Notifier" means the person under the jurisdiction of the exporting country that has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and that proposes their transfrontier movement for the

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ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S.

"OECD area" means all land or marine areas under the national jurisdiction of any designated OECD member country in Section 722.159. When the regulations refer to shipments to or from an OECD country, this means OECD area.

"Recognized trader" means a person that, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transfrontier movements of wastes destined for recovery operations.

"Recovery facility" means an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, incorporated by reference in 35 Ill. Adm. Code 720.111, which include the following activities:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2 Solvent reclamation or regeneration.
- R3 Recycling or reclamation of organic substances which are not used as solvents.
- R4 Recycling or reclamation of metals and metal compounds.
- R5 Recycling or reclamation of other inorganic materials.
- R6 Regeneration of acids or bases.
- R7 Recovery of components used for pollution control.
- R8 Recovery of components from catalysts.
- R9 Used oil re-refining or other reuses of previously used oil.
- R10 Land treatment resulting in benefit to agriculture or ecological improvement.

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R11 Uses of residual materials obtained from any of the operations numbered R1 through R10.

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11, and

R13 Accumulation of material intended for any operation in Table 2.B.

"Transfrontier movement" means any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by U.S. national procedures, as defined in Section 722.180(a). The green, amber, and red lists are incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1) Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided below:

- A) Green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls.
 - B) Green-list wastes that are sufficiently contaminated or mixed with amber-list wastes, such that the waste or waste mixture is considered hazardous under U.S. national procedures, are subject to amber-list controls.
 - C) Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls, such that the waste or waste mixture is considered hazardous under U.S. national procedures, must be handled in accordance with the red-list controls.
- 2) Wastes on the amber list that are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are subject to the amber-list controls of this Subpart. If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls, such that the waste or waste mixture is considered hazardous under U.S. national procedures, the wastes must be handled in accordance with the red-list controls.
- 3) Wastes on the red list that are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are

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subject to the red-list controls of this Subpart.
BOARD NOTE: Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (e.g., polychlorinated biphenyls) and therefore are not subject to the amber- or red-list controls of this Subpart. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports or exports. Such restrictions continue to apply without regard to this Subpart. Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:

1) If such wastes are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), these wastes are subject to the red-list controls; or

2) If such wastes are not considered hazardous under U.S. national procedures, as defined in Section 722.180(a), such wastes may move as though they appeared on the green list. General conditions applicable to transfrontier movements of hazardous waste.

1) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;

2) The transfrontier movement must be in compliance with applicable international transport agreements; and
BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

c) Provisions relating to re-export for recovery to a third country.

1) Re-export of wastes subject to the amber-list control system from the U.S., as the importing country, to a third country listed in Section 722.158(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Section 722.183 for all concerned countries and the original exporting country. The competent authorities of the original exporting country, as well as the competent authorities of all other concerned countries, have 30 days to object to the proposed movement.

A) The 30-day period begins once the competent authorities of both the initial exporting country and new importing country issue Acknowledgements of Receipt of the notification.

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B) The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

2) Re-export of waste subject to the red-list control system from the original importing country to a third country listed in Section 722.158(a)(1) may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with Section 722.183. The transfrontier movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

3) In the case of re-export of amber- or red-list wastes to a country other than those in Section 722.158(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in subsections (c)(1) and (c)(2) above in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.183 Notification and Consent

a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subpart. Hazardous wastes subject to amber-list controls are subject to the requirements of subsection (b) below; hazardous wastes subject to red-list controls are subject to the requirements of subsection (c) below; and wastes not identified on any list are subject to the requirements of subsection (d) below.

b) Amber-list wastes. The export from the U.S. of hazardous wastes, as described in Section 722.180(a), that appear on the amber list is prohibited unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) below are met.

1) Transactions requiring specific consent:

A) Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental

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Protection Agency, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in subsection (e) below. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

B) Tacit consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to subsection (b)(1)(A) above within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30 day period; renegotiation and renewal of all consents is required for exports after that date.

C) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renegotiation and renewal of each expired consent is required for exports after that date.

2) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:

A) The notifier must provide USEPA and the Agency the information identified in subsection (e) below in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in subsection (b)(1)(A) above. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of

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Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "OECD Export Notification--Pre-approved Facility" prominently displayed on the envelope.

B) Shipments may commence after the notification required in subsection (b)(1)(A) above has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.

C) Red-list wastes. The export from the U.S. of hazardous wastes, as described in Section 722.180(a), that appear on the red list is prohibited unless notice is given pursuant to subsection (b)(1)(A) above and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

D) Unlisted wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are subject to the notification and consent requirements established for red-list wastes in accordance with subsection (C) above. Unlisted wastes that are not considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are not subject to amber or red controls when exported or imported.

E) Notification information. Notifications submitted under this Section must include:

- 1) Serial number or other accepted identifier of the notification form;
- 2) Notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;
- 3) Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;
- 4) Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;
- 5) Intended transporters or their agents;
- 6) Country of export and relevant competent authority and point of departure;
- 7) Countries of transit and relevant competent authorities and points of entry and departure;
- 8) Country of import and relevant competent authority and point of entry;
- 9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;

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- 10) Date foreseen for commencement of transfrontier movement;
- 11) Designation of waste type(s) from the appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and
- 12) Certification/Declaration signed by the notifier that states as follows:
- "I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."

Name: _____

Signature: _____

Date: _____

BOARD NOTE: The U.S. does not currently require financial assurance; however, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.184 Tracking Document

- a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a tracking document meeting the conditions of subsection (b) of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in Section 262.184(a)(1) and (a)(2).
- 1) For shipments of hazardous waste within the U.S. solely by water (bulk shipments only), the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the U.S. if exported by water (in accordance with the manifest routing procedures at Section 722.123(c)).
- 2) For rail shipments of hazardous waste within the U.S. which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non-rail transporter, if any, or the last rail transporter

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- to handle the waste in the U.S. if exported by rail.
- b) The tracking document must include all information required under Section 722.183 (for notification) and the following:
- 1) The date shipment commenced;
 - 2) The name (if not notifier), address, and telephone and telefax numbers of primary exporter;
 - 3) The company name and USEPA identification number of all transporters;
 - 4) Identification (license, registered name or registration number) of means of transport, including types of packaging;
 - 5) Any special precautions to be taken by transporters;
 - 6) A certification or declaration signed by notifier that no objection to the shipment has been lodged as follows:
 "I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:"
- "1. All necessary consents have been received;" OR
- "2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period;" OR
- "3. The shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area, such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

(Delete sentences that are not applicable)

Name: _____

Signature: _____

Date: _____

"; and

- 7) The appropriate signatures for each custody transfer (e.g., transporter, consignee, and owner or operator of the recovery facility).
- c) Notifiers also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (f) and consignees must comply with the import requirements of Subpart F of this Part.
- d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g., transporter, consignee, and owner or operator of the recovery facility).
- e) Within 3 working days after the receipt of imports subject to this Subpart, the owner or operator of the U.S. recovery facility must send

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signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.185 Contracts

- a) Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.
- b) Contracts or equivalent arrangements must specify the following names and USPA identification numbers, where available:

- 1) The generator of each type of waste;
- 2) Each person that will have physical custody of the wastes;
- 3) Each person that will have legal control of the wastes; and
- 4) The recovery facility.

- c) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:

- 1) That the person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and
- 2) That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export.

- d) Contracts must specify that the consignee will provide the notification required in Section 722.182(c) prior to re-export of controlled wastes to a third country.

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- e) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees so required are intended to provide for alternative recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in some cases, transporters or consignees may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- f) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart.

- g) Upon request by USEPA or the Agency, U.S. notifiers, consignees, or recovery facilities shall submit to USEPA and the Agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 35 Ill. Adm. Code 120 will be treated as confidential and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 120.

BOARD NOTE: Although the U.S. does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, USEPA or the Agency will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.186 Provisions Relating to Recognized Traders

- a) A recognized trader that takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.
- b) A recognized trader acting as a notifier or consignee for transfrontier shipments of waste must comply with all the notifier or consignee requirements of this Subpart.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.187 Reporting and Recordkeeping

a) Annual reports. For all waste movements subject to this Subpart, persons (e.g., notifiers, recognized traders) that meet the definition of primary exporter in Section 722.151 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62706-9276, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section).

Such reports shall include the following information:

- 1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;
- 2) The calendar year covered by the report;
- 3) The name and site address of each final recovery facility;
- 4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or 721.Subpart D), the designation of waste type(s) from the OECD waste list and applicable waste code from the OECD lists, DOT hazard class, the name and USEPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subpart, and number of shipments pursuant to each notification;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

- A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
- B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

6) A certification signed by the person acting as primary exporter that states as follows:

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"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 shall file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:

- 1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;
- 2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or
- 3) The waste is returned to the United States.

c) Recordkeeping.

- 1) Persons that meet the definition of primary exporter in Section 722.151 shall keep the following records:

A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report, for a period of at least three years from the due date of the report; and

C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

- 2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 722.189 OECD Waste Lists

a) General. For the purposes of this Subpart, a waste is considered

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hazardous under U.S. national procedures, and hence subject to this Subpart, if the waste:

- 1) Meets the federal definition of hazardous waste in 35 Ill. Adm. Code 721.103; and
 - 2) Is subject to either the hazardous waste manifesting requirements of Subpart B of this Part or the universal waste management standards of 35 Ill. Adm. Code 733.
- b) If a waste is hazardous under subsection (a) above and it appears on the amber or red list, it is subject to either the amber- or red-list requirements, as appropriate.
- c) If a waste is hazardous under subsection (a) above and it does not appear on either the amber or red list, it is subject to the red-list requirements.
- d) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Section 722.182.
- e) The OECD Green List of Wastes (revised May 1994), Amber List of Wastes (revised May 1993), and Red List of Wastes (revised May 1993), as set forth in Appendix 3, Appendix 4 and Appendix 5, respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Added at 21 Ill. Reg. _____, effective: _____)

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1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code citation: 35 Ill. Adm. Code 724

Section numbers:	Proposed action:
724.112, 724.113, 724.171	Amended
724.279, 724.300, 724.332	Amended
724.414, 724.930, 724.933	Amended
724.934, 724.935, 724.950	Amended
724.955, 724.958, 724.964	Amended
724.980, 724.982, 724.983	Amended
724.984, 724.985, 724.986	Amended
724.987, 724.988, 724.989	Amended
724.990	Amended
724.991	Repealed

4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part is only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

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July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the

POLLUTION CONTROL BOARD

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generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)
Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and the "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)
Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

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April 8, 1996
(61 Fed. Reg. 15596)
Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)
Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 19117)
Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)
Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 33680)
Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33691)
Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

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June 28, 1996
(61 Fed. Reg. 33691)
Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

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The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 724 incorporate major elements of the Subpart CC amendments, as well as certain segments of the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

6) Will this proposed rule replace an emergency rule currently in effect? No

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7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The amendments to Part 724 include amendments to incorporations by reference. The amendments incorporate analytical methods for the testing of biodegradability of sorbent materials (OECD method 301B) and previously-incorporated SW-846 and various air and water testing methods and operating requirements from the Code of Federal Regulations. The incorporations are centrally located at 35 Ill. Adm. Code 720.111, and associated amendments to Part 720 include numerous additions and amendments to those incorporations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small

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businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 724 incorporate major elements of the Subpart CC amendments, as well as certain segments of the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

- B) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 724 incorporate major elements of the Subpart CC amendments, as well as certain segments of the amendments relating to the biodegradability of sorbent material for land disposal of liquid hazardous waste and the OECD requirements for international shipments of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF

HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101
724.103

Purpose, Scope and Applicability
Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110
724.111
724.112
724.113
724.114
724.115
724.116
724.117
724.118
724.119

Applicability
Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130
724.131
724.132
724.133
724.134
724.135
724.137

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150
724.151
724.152
724.153
724.154

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan

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724.155	Emergency Coordinator
724.156	Emergency Procedures
SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING	
Section	
724.170	Applicability
724.171	Use of Manifest System
724.172	Manifest Discrepancies
724.173	Operating Record
724.174	Availability, Retention and Disposition of Records
724.175	Annual Report
724.176	Unmanifested Waste Report
724.177	Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section	
724.190	Applicability
724.191	Required Programs
724.192	Groundwater Protection Standard
724.193	Hazardous Constituents
724.194	Concentration Limits
724.195	Point of Compliance
724.196	Compliance Period
724.197	General Groundwater Monitoring Requirements
724.198	Detection Monitoring Program
724.199	Compliance Monitoring Program
724.200	Corrective Action Program
724.201	Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section	
724.210	Applicability
724.211	Closure Performance Standard
724.212	Closure Plan; Amendment of Plan
724.213	Closure; Time Allowed For Closure
724.214	Disposal or Decontamination of Equipment, Structures and Soils
724.215	Certification of Closure
724.216	Survey Plat
724.217	Post-closure Care and Use of Property
724.218	Post-closure Plan; Amendment of Plan
724.219	Post-closure Notices
724.220	Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section	
724.320	Applicability

POLLUTION CONTROL BOARD

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Section	
724.240	Applicability
724.241	Definitions of Terms As Used In This Subpart
724.242	Cost Estimate for Closure
724.243	Financial Assurance for Closure
724.244	Cost Estimate for Post-closure Care
724.245	Financial Assurance for Post-closure Care
724.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247	Liability Requirements
724.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251	Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
724.270	Applicability
724.271	Condition of Containers
724.272	Compatibility of Waste With Container
724.273	Management of Containers
724.274	Inspections
724.275	Containment
724.276	Special Requirements for Ignitable or Reactive Waste
724.277	Special Requirements for Incompatible Wastes
724.278	Closure
724.279	Air Emission Standards

SUBPART J: TANK SYSTEMS

Section	
724.290	Applicability
724.291	Assessment of Existing Tank System's Integrity
724.292	Design and Installation of New Tank Systems or Components
724.293	Containment and Detection of Releases
724.294	General Operating Requirements
724.295	Inspections
724.296	Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems
724.297	Closure and Post-Closure Care
724.298	Special Requirements for Ignitable or Reactive Waste
724.299	Special Requirements for Incompatible Wastes
724.300	Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section	
724.320	Applicability

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724.321 Design and Operating Requirements
 724.322 Action Leakage Rate
 724.324 Response Actions
 724.326 Monitoring and Inspection
 724.327 Emergency Repairs; Contingency Plans
 724.328 Closure and Post-closure Care
 724.329 Special Requirements for Ignitable or Reactive Waste
 724.330 Special Requirements for Incompatible Wastes
 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
 724.332 Air Emission Standards

SUBPART L: WASTE PILES

Section
 724.350 Applicability
 724.351 Design and Operating Requirements
 724.352 Action Leakage Rate
 724.353 Response Action Plan
 724.354 Monitoring and Inspection
 724.356 Special Requirements for Ignitable or Reactive Waste
 724.357 Special Requirements for Incompatible Wastes
 724.358 Closure and Post-closure Care
 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

Section
 724.370 Applicability
 724.371 Treatment Program
 724.372 Treatment Demonstration
 724.373 Design and Operating Requirements
 724.376 Food-chain Crops
 724.378 Unsaturated Zone Monitoring
 724.379 Recordkeeping
 724.380 Closure and Post-closure Care
 724.381 Special Requirements for Ignitable or Reactive Waste
 724.382 Special Requirements for Incompatible Wastes
 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

Section
 724.400 Applicability
 724.401 Design and Operating Requirements
 724.402 Action Leakage Rate

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724.403 Monitoring and Inspection
 724.404 Response Actions
 724.409 Surveying and Recordkeeping
 724.410 Closure and Post-closure Care
 724.412 Special Requirements for Ignitable or Reactive Waste
 724.413 Special Requirements for Incompatible Wastes
 724.414 Special Requirements for Bulk and Containerized Liquids
 724.415 Special Requirements for Containers
 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section
 724.440 Applicability
 724.441 Waste Analysis
 724.442 Principal Organic Hazardous Constituents (POHCs)
 724.443 Performance Standards
 724.444 Hazardous Waste Incinerator Permits
 724.445 Operating Requirements
 724.447 Monitoring and Inspections
 724.451 Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section
 724.652 Corrective Action Management Units
 724.653 Temporary Units

SUBPART W: DRIP PADS

Section
 724.670 Applicability
 724.671 Assessment of existing drip pad integrity
 724.672 Design and installation of new drip pads
 724.673 Design and operating requirements
 724.674 Inspections
 724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section
 724.700 Applicability
 724.701 Environmental Performance Standards
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action

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724.703 Post-closure Care

724.991 Alternative Control Requirements for Tanks

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

SUBPART DD: CONTAINMENT BUILDINGS

Section
724.930 Applicability
724.931 Definitions
724.932 Standards: Process Vents
724.933 Standards: Closed-vent Systems and Control Devices
724.934 Test methods and procedures
724.935 Recordkeeping requirements
724.936 Reporting Requirements

Section

724.1100 Applicability
724.1101 Design and operating standards
724.1102 Closure and Post-closure Care

APPENDIX A Recordkeeping Instructions
APPENDIX B EPA Report Form and Instructions (Repealed)
APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
APPENDIX E Examples of Potentially Incompatible Waste
APPENDIX I Groundwater Monitoring List

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
724.950 Applicability
724.951 Definitions
724.952 Standards: Pumps in Light Liquid Service
724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Open-ended Valves or Lines
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices and Connectors
724.959 Standards: Delay of Repair
724.960 Standards: Closed-vent Systems and Control Devices
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724.962 Skip Period Alternative for Valves
724.963 Test Methods and Procedures
724.964 Recordkeeping Requirements
724.965 Reporting Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section
724.980 Applicability
724.981 Definitions
724.982 Standards: General
724.983 Waste Determination Procedures
724.984 Standards: Tanks
724.985 Standards: Surface Impoundments
724.986 Standards: Containers
724.987 Standards: Closed-vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
724.989 Recordkeeping Requirements
724.990 Reporting Requirements

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.112 Required Notices

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

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a) Receipt from a foreign source.

- 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

- 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 35 Ill. Adm. Code 722. Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days after receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

- b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

- c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.113 General Waste Analysis

a) Analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the

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- 2) waste in accordance with this Part and 35 Ill. Adm. Code 728. The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) above. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- a) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and

- b) For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

- b) The owner or operator shall develop and follow a written waste analysis plan that describes the procedures that it will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above).

- 2) The test methods that will be used to test for these parameters.

- 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

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- A) One of the sampling methods described in 35 Ill. Adm. Code 721.107, Appendix A; or
 - B) An equivalent sampling method.
- BOARD NOTE: See 35 Ill. Adm. Code 720.121.
- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
 - 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107.

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents;
 - B) The analysis of test data; and
 - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
 - ii) Where no treatment standards have been established, such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139 or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC in accordance with Section 724.982:

- A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption; and

- B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste. Each generator's notice and certification of the volatile organic concentration--in--the waste--if--the--waste--is--received--from--off--site.

- C) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures that will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

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- 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;
 - 2) The sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and
 - 3) The procedures that the owner or operator of an off-site landfill receiving container sized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.
- BOARD NOTE: 35 Ill. Adm. Code 703 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner or operator's agent, must:
 - 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
 - 2) Note any significant discrepancies in the manifest (as defined in Section 724.172(a)) on each copy of the manifest;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;
- 4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and
- 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

- b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must:
 - 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
 - 2) Note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest

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has not been received) on each copy of the manifest or shipping paper.

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the owner or operator's agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that who are shipping hazardous waste which they generated at that facility.

d) Within three working days after the receipt of a shipment subject to 35 Ill. Adm. Code 722.Subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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Section 724.279 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subparts AA, BB, and Subpart CC.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART J: TANK SYSTEMS

Section 724.300 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724.Subparts AA, BB, and Subpart CC.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.332 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.Subparts BB and Subpart CC.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Bulk and Containerized Liquids

a) This subsection corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with USEPA 8-6--BPA rules.

b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in any landfill is prohibited.

c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA 8-6--BPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

d) Containers holding free liquids must not be placed in a landfill unless:

- 1) All free-standing liquid;

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- A) has been removed by decanting or other methods;
 B) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 C) has been otherwise eliminated; or
- 2) The container is very small, such as an ampule; or
 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (e)(1) below; materials that pass one of the tests in subsection (e)(2) below; or materials that are determined by the Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nonbiodegradable sorbents are:

- A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal (activated carbon)); or
 B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, poly urethane, polycrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
 C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents:

- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) -- "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111; or
 B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) -- "Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111; or
 C) The sorbent material is determined to be non-biodegradable under OECD test 301B (CO Evolution (Modified Sturm Test)) incorporated by reference in 35 Ill. Adm. Code 720.111.
- f) The placement of any liquids that is not a hazardous waste in a

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landfill is prohibited (35 Ill. Adm. Code 729.311).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).

- b) Except for Sections 724.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:

- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or
- 2) A unit (including a hazardous Hazardous waste recycling unit units that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is are located at a on hazardous waste management facility facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or

- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a 90-day tank or container).

- c) If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Section 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 321.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.933 Standards: Closed-vent Systems and Control Devices

- a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this part shall comply with the

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provisions of this Section.

- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30± months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares:
 - 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
 - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) below.
 - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.
 - 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for

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an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) below.

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V, as determined by the method specified in subsection (e)(4) below and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) below.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
 - 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

$K = 1.74 \text{ E } -7 \text{ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) } 20^{\circ} \text{ C.}$

$\text{SUM}(X_i)$ means the sum of the values of X for each component i, from i=1 to n.

$C[i]$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18

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in 40 CFR 60, and for carbon monoxide, by ASTM D1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log[10] V[\max] = \frac{H[T] + 28.8}{31.7}$$

Where:

Log means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2).

5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 \times 10[T]$$

Where:

H[T] is the net heating value as determined in subsection (e)(2) below.

f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

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2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ$ C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ$ C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ$ C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicates good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with at two locations and have an accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ$ C, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser (i.e., product side) and a second temperature sensor must be installed at a location in the coolant fluid.

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existing-the-condenser.

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to

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develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) A closed-vent system must meet either of the following design requirements: ~~Closed-vent systems.~~

1) A closed closed-vent system ~~systems~~ must be designed to ~~for--an~~ operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv ppm above background and ~~by--visual--inspections~~, as determined by the methods specified at Section 724.934(b), and by visual inspections; or:

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating. ~~Closed-vent systems must be monitored--to--determine--compliance--with--this--Section during--the--initial--leak--detection--monitoring--which--must--be conducted--by--the--date--that--the--facility--becomes--subject--to--the provisions--of--this--Section--annually--and--at--other--times--as specified--in--the--RCRA--permit--for--the--annual--leak--detection monitoring--after--the--initial--leak--detection--monitoring--the--owner or--operator--is--not--required--to--monitor--those--closed--vent--system components--that--operate--in--vacuum--service--or--those--closed--vent system--joints--seams--or--other--connections--that--are--permanently or--semi--permanently--sealed--to--a--welded--joint--between--two sections--of--metal--pipe--or--a--bolted--and--gasketed--pipe--flange--:~~

3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

1) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (k)(1) above shall be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable

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emissions, as indicated by an instrument reading of less than 500 ppmv above background.

- B) After initial leak detection monitoring required in subsection (1)(1)(A) above, the owner or operator shall inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) above must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (c) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (1)(3) below.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

- 2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (1)(3) below.

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- D) The owner operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator shall repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) below.

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed closed-vent system systems or and control device devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it them.

nm) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from a carbon-adsorption-system-to comply-with-subsections--(f)--and--(h)--above the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following: is-permitted-under-724-Subpart-87

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of this Part; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC of this Part or 35 Ill. Adm. Code 725, Subparts AA and CC; or

C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollution under 40 CFR 61 or 40 CFR 63.

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following: by-a-process that-is-permitted-under-724-Subpart-87-or

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- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724.Subpart O, or
- B) The owner or operator has certified compliance in accordance with interim status requirements of 35 Ill. Adm. Code 725.Subpart O.
- 3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following: that it is permitted under 724.Subpart H-
- A) The owner or operator had been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H, or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- o) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (l)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.934 Test methods and procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(l)(k), the test must comply with the following requirements:
- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be:

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- A) Zero air (less than 10 ppm of hydrocarbon in air).
- B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
- 5) The background level must be determined as set forth in Reference Method 21.
- 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 724.932(a) and with the total organic compound concentration limit of Section 724.933(c) must comply with the following:
- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and existing control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
 - A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
 - B) Method 18 in 40 CFR 60 for organic content.
 - C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.
 - D) Total organic mass flow rates must be determined by the following equation:

$$P = K - \frac{Q}{\theta} - \frac{SUM}{\theta} \left(\frac{C_i}{M_i} \right)$$

Where:

P is the total organic mass flow rate, kg/h;
 K is 4.16 $\times 10^{-8}$, conversion factor for molar volume, kg-mol/cubic m, at 293-K and 760-mm-Hg;
 Q is volumetric flow rate of gases entering or existing control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111;
 SUM(Xi) means the sum of the values of X for each component i, from i=1 to n;
 n is number of organic compounds in the vent gas;
 Ci is the organic concentration in ppmv dry basis of compound i in the vent gas, as determined by Method 21 in 40 CFR 60;
 MWi is the molecular weight of organic compound i in the vent gas, kg/kg-mol;

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$$(E)[h] = (Q)[2sd] \left(X \sum_{i=1}^n C[i] \times MW[i] \right) \times 0.0416 \times 10^{(-6)}$$

Where:

- $\frac{E[h]}{Q[2sd]}$ = The total organic mass flow rate, kg/h.
 = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
- $\frac{n}{}$ = the number of organic compounds in the vent gas.
- $\frac{C[i]}{}$ = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.
- $\frac{MW[i]}{}$ = The molecular weight of organic compound i in the vent gas, kg/kg-mol.
- $\frac{0.0416}{}$ = The conversion factor for molar volume, kg-mol/m(3), at 293 K and 760 mmHg.
- $\frac{10}{}$ = The conversion factor from ppm.

- E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times \frac{H}{HOURS}$$

Where:

- A is total organic emission rate, kg/y.
- F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.
- H HOURS is the total annual hours of operation for the affected unit.
- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.
- 2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

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- 3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
- A) Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.
 - B) Safe sampling platform(s).
 - C) Safe access to sampling and testing equipment.
 - D) Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.
- d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:
- 1) Direct measurement of the organic concentration of the waste using the following procedures:
 - A) The owner or operator shall take a minimum of four grab samples of waste for each waste stream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
 - B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.
 - C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.
 - D) The arithmetic means of the results of the analyses of the

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four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:

- A) Production process information documenting that no organic compounds are used;
 - B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or
 - C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
- 1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and
 - 2) Either:
 - A) For continuously generated waste, annually; or
 - B) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.935 Recordkeeping Requirements

- a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart

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shall comply with the recordkeeping requirements of this Section. 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

- b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.
- 2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including:
 - A) Information and data identifying all affected process vents, annual through and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
 - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level

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reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

- B) A detailed engineering description of the closed-vent system and control device including:

- i) Manufacturer's name and model number of control device.
- ii) Type of control device.
- iii) Dimensions of the control device.
- iv) Capacity.
- v) Construction materials.

- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

- 4) Documentation of compliance with Section 724.933 must include the following information:

- A) A list of all information references and sources used in preparing the documentation.

- B) Records, including the dates of each compliance test required by Section 724.933(k).

- C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii), below, may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

- iii) For a boiler or process heater, the design analysis

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must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.

- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).

- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent steam organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

- D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when

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the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

1) Description and date of each modification that is made to the closed-vent system or control device design.

2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (2).

3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).

4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, any period when the combustion temperature is below 760°C.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i) above.

C) For a catalytic vapor incinerator, any period when:

i) Temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii) above; or

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ii) Temperature difference across the catalyst bed is less than 80% percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii) above.

D) For a boiler or process heater, any period when:

i) Flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii) above; or

ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii) above.

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20% percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v) above.

G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when:

i) Temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v) above.

ii) Temperature of the coolant fluid existing in the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v) above.

H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20% percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) above.

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) above.

5) Explanation for each period recorded under subsection (c)(4) above of the cause for control device operating parameter exceeding the design value and the measures implemented to

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- correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
 - 7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
 - 8) Date of each control device startup and shutdown.
 - 9) An owner operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 724.933(o) shall record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 724.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.
 - 10) When each leak is detected as specified in Section 724.933(1), the following information must be recorded:
 - A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials or identification number.
 - B) The date the leak was detected and the date of first attempt to repair the leak.
 - C) The date of successful repair of the leak.
 - D) Maximum instrument reading measured by Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.
 - E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.
 - ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.
 - d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) above must be kept at least only 3 years following the date of each occurrence, measurement, corrective action, or record.

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- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10% percent by weight that are managed in one of the following:
 - 1) A unit ~~units~~ that ~~is~~ are subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702.703, and 705, ~~or~~
 - 2) A unit (including a hazardous ~~Hazardous~~ waste recycling unit) ~~units~~ that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that ~~is~~ are located at a ~~on~~ hazardous waste management facility ~~facilities~~ otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702.703, and 705, ~~or~~
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container).
- c) If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.
- d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).

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- f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Section 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.1047-722-134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.955 Standards: Sampling Connecting System

- a) Each sampling connection system must be equipped with a closed-purge, closed-loop, system or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.
- b) Each closed-purge, closed-loop, system or closed-vent system as required in subsection (a) must meet one of the following requirements:
- 1) Return the purged process fluid hazardous-waste-stream directly to the hazardous-waste-management process line with-no-detectable emissions-to-atmosphere; or
 - 2) Collect and recycle the purged process fluid hazardous--waste stream-with-no-detectable-emissions-to-atmosphere; or
 - 3) Be designed and operated to capture and transport all the purged process fluid hazardous-waste-stream to a waste management unit that complies with the applicable requirements of Section 724.984 through 724.986 or a control device that complies with the requirements of Section 724.960.
- c) In situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b) above.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors

- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 724.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

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- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs
- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
 - 2) The first attempt at repair must be made no later than 5 calendar days after each leak is detected.
- d) First attempts at repair include, but are not limited to, the best practices described under Section 724.957(e).
- e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) above and from the recording requirements of Section 724.964.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

- b) Owner and operators shall record the following information in the facility operating record:

- 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
 - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that then comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to

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demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).

- 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).

- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:

- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.

- 2) The identification on equipment except on a valve, may be removed after it has been repaired.

- 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.

- d) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:

- 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic

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vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.

- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:

- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.

- 2) List of Equipment

- A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).

- B) The designation of this equipment as subject to the requirements of Section ~~Sections~~ 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.

- 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).

- 4) Compliance tests.

- A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).

- B) The background level measured during each compliance test.

- C) The maximum instrument reading measured at the equipment during each compliance test.

- 5) A list of identification numbers for equipment in vacuum service.

- 6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.

- h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

- 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

- 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

- i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:

- 1) A schedule of monitoring.
- 2) The percent of valves found leaking during each monitoring period.

- j) The following information must be recorded in a log that is kept in

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the facility operating record:

- 1) Criteria required in Sections Section 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.
- 2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:

- 1) An analysis determining the design capacity of the hazardous waste management unit.
- 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section Sections 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
- 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.

- 1) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only 3 years.

m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 724.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to

owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to 724.Subpart I, J, or K, except as Section 724.101 and subsection (b) below provide otherwise.

BOARD NOTE: USEPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995) and 60 Fed. Reg. 56952 (Nov. 13, 1995) and 61 Fed. Reg. 28508 (June 5, 1996), USEPA delayed the effective date until October 6, 1996. If action by USEPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 724.Subpart CC rules be enforceable to the extent that they become more stringent than the federal regulations upon which they are based.

b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996, and in which no hazardous waste is added to the unit on or after this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

c) For the owner and operator of a facility subject to this Subpart and

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that who received a final RCRA permit prior to October 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date the requirements of 35 Ill. Adm. Code 725.Subpart CC.

- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) above.

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) above are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) above. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks,

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- b) surface impoundments, and containers subject to this Subpart. The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) below.

c) A tank, surface impoundment, or container waste-management-unit is exempted from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one determined-by-the-owner-or-operator-to-meet either of the following conditions:

1) A tank, surface impoundment, or container for which all the average-VO-concentration-of-the hazardous waste entering the unit has an average VO concentration at the point of waste origination of \leq less than 50000 parts per million by weight (ppmw). The average VO concentration shall be determined by the procedures specified in Section 724.983(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C(t)) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 10050 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass

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removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using ~~in--accordance--with~~ the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

†† ~~All---the---materials---entering---the---process---are hazardous-wastes-~~

ii†) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that which use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

iii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual

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hazardous waste streams entering the process, or 500 ~~100~~ ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedures procedure specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures procedure specified in Section 724.983(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedure specified in Section 724.983(b) and Section 724.983(a), respectively.

G)† A hazardous waste incinerator for which either of the following conditions is true ~~owner-or-operator-has-either:~~

i) The owner or operator has been been issued a final permit under 35 Ill. Adm. Code 702, 703, and 7057 that implements ~~and--designs--and--operates--the--unit--in accordance--with~~ the requirements of 35 Ill. Adm. Code 726724, Subpart H; or

ii) The owner or operator has designed and operates the incinerator in accordance Has--certified-compliance with the interim status requirements of 35 Ill. Adm. Code 725, Subpart O.

H)† A boiler or industrial furnace for which either of the following conditions is true ~~owner-or-operator-has-either:~~

i) The owner or operator has been been issued a final permit under 35 Ill. Adm. Code 702, 703, and 7057 that implements ~~and--designs--and--operates--the--unit--in accordance--with~~ the requirements of 35 Ill. Adm. Code 726, Subpart H; or

ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance Has ~~certified--compliance~~ with the interim status requirements of 35 Ill. Adm. Code 726, Subpart H.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) above, the owner or operator shall account for VO concentrations determined to be below the limit of detection

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of the analytical method by using the following VO concentration:

1) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method.

ii) If any other analytical method is used, one-half the limit of detection established for the method.

3) A tank used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) above.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

A) It means the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728.142(a), or

B) It has been treated by the treatment technology established by USEPA for the waste in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections

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(c)(2)(A) through (c)(2)(B) above, each material removed from or existing process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw shall be managed in a waste management unit in accordance with the requirements of subsection (b) above.

de) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).

2) In performing a waste determination pursuant to subsection (d)(1) above, the sample preparation and analysis shall be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) below.

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) above shall be used to establish compliance with the requirements of this Subpart.

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section

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724.983(a).

- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ±00 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(5) ~~te747(C)~~ below.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500±00 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500±00 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit ~~units~~ exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
- 2) The average VO concentration of a hazardous waste at the point of waste origination ~~may for a hazardous waste~~ shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(46).
- b) Waste determination procedures for treated hazardous waste.
- 1) An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of Section 724.982(c)(2) from using air emission controls in accordance with standards specified in Sections ~~Section~~ 724.984 through 724.987, as applicable to the waste management unit.

- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9)(g), as applicable to the treated hazardous waste.
- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank ~~tanks~~ using Tank Level 1 ~~air-emission~~ controls in accordance with standards specified in Section 724.984(c).
- 2) The maximum organic vapor pressure of the hazardous waste ~~may~~ shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).
- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 40 CFR 265.984(d).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:
- i) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) below, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) below or the Tank Level 2 controls specified in subsection (d) below.
- A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:
- i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
- iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

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- B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) above.
- C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.
- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) above, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) below. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) above.
- C) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) below:
- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) below, as applicable to the tank.
- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
- B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof Section joints or between the interface of the roof edge and the tank wall.
- C) Each opening in the fixed roof must be either:

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- i) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
- ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.
- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:
- A) Opening of closure devices or removal of the fixed roof is allowed at the following times:
- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- ii) To remove accumulated sludge or other residues from the bottom of the tank.
- B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is

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secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (l) of this Section.

- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.999(b).

- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) below;
- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) below;

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- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) below;

- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) below; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) below.

- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) below.

- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
- ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

- C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

- iv) Each automatic bleeder vent and rim space vent must be gasketed.

- v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a

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- gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.
 - B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) below:
 - i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
 - C) As an alternative to performing the inspections specified in subsection (e)(3)(B) above for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each

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- time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) above, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(iii) below.
 - ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) below.
- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:
 - A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the

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secondary seal.

- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 square inches (in(2)) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.
 - ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).
- C) The external floating roof must meet the following specifications:
- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
 - ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the

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liquid surface from the atmosphere.

- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous waste for a period

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of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) above.

iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) below.

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) above, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals; or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the owner or operator shall notify the Agency

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in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) above, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) below.

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under subsection (f)(3) above, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

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- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) above.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) correspond with 40 CFR 264.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) below.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

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- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

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- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:
- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.
 - 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).
 - 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to open to avoid an unsafe condition.
- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4) below.
- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.
 - 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.
 - 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) above.
 - 4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.
- j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

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- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) below, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The requirements of subsection (j)(1) above do not apply when transferring a hazardous waste to the tank under any of the following conditions:
 - A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
- k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:
 - 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) below.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- l) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
 - 1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the

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reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed, except for the following tanks:

1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 724.982(c)7 or

2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(c)2)B)7.

b) The owner or operator shall place the hazardous waste into one of the following tanks:

1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed vent system to a control device in accordance with the requirements specified in subsection (f) below.

2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 724.9917.

3) A tank equipped with an external floating roof in accordance with the requirements of Section 724.9917 or

4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d) below when the hazardous waste is determined to meet all of the following conditions:

1) The hazardous waste is not mixed, stirred, agitated, or circulated within the tank by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations.

2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations.

3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that

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produces an exothermic reaction, and

4) The maximum organic vapor pressure of the hazardous waste in the tank, as determined using the procedure specified in Section 724.983(f)7, is less than the following applicable value:

A) If the tank design capacity is equal to or greater than 151 m³ (5333 ft³) or 39,887 gal, then the maximum organic vapor pressure shall be less than 5.2 kPa (40.75 psia or 39 mm Hg);

B) If the tank design capacity is equal to or greater than 75 m³ (2649 ft³) or 19,910 gal, but less than 151 m³ (5333 ft³) or 39,887 gal, then the maximum organic vapor pressure shall be less than 27.6 kPa (40.0 psia or 207 mm Hg); or

C) If the tank design capacity is less than 75 m³ (2649 ft³) or 19,910 gal, then the maximum organic vapor pressure shall be less than 76.6 kPa (11.1 psia or 574 mm Hg).

To comply with subsection (b) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed vent system connected to a control device.

1) The cover shall be designed and operated to meet the following requirements:

A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position, and

B) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in subsection (f) below.

2) The closed vent system and control device shall be designed and operated in accordance with the requirements of Section 724.987. The owner and operator shall install, operate, and maintain enclosed pipes or other closed systems to:

BOARD-NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a closed system. The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

1) Transfer all hazardous waste to the tank from another tank surface impoundment or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c)7 and

2) Transfer all hazardous waste from the tank to another tank surface impoundment or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c)7.

Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is

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in-the-tank-except-when-it-is-necessary-to-use-the-cover-opening-to-

- 1) Add, remove, inspect, or sample the material in the tank;
 - 2) Inspect, maintain, repair, or replace equipment located inside the tank; or
 - 3) Vent gases or vapors from the tank to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.
- One or more safety devices that vent directly to the atmosphere may be used on the tank, cover, closed vent system, or control device provided each safety device meets all of the following conditions:
- 1) The safety device is not used for planned or routine venting of organic vapors from the tank or closed vent system connected to a control device; and
 - 2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank, cover, closed vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.985 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) below; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) below.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) below.
 - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane

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material that is either:

- i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in); or
- ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) above and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) below, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

- A) Opening of closure devices or removal of the cover is allowed at the following times:
 - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of

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such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.

- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets or closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) below.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in

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the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

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- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:
- A) The surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.
- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) below.
- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) below.
- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).
- e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) below, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The requirements of subsection (e)(1) above do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:
- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point

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- of waste origination.
- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
- f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:
- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) below.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.
- a) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:
- i) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 724.982(e)(7) or
- 2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(e)(2)(B);
- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or

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a rigid cover) that is vented through a closed vent system to a control device meeting the requirements specified in subsection (d) below:

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:

1) The hazardous waste is not mixed, stirred, agitated, or circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and

3) The hazardous waste is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction;

d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed vent system connected to a control device.

1) The cover shall be designed and operated to meet the following requirements:

A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position;

B) Each cover opening shall be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below; and

C) The closed vent system and control device shall be designed and operated in accordance with Section 724.987.

e) To comply with subsection (c) above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the requirements specified in 35 Ill. Adm. Code 725.986(e)(1) through (e)(4);

f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems to:

BOARD NOTE: 1) U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(f)(1) or (f)(1) through (f)(3) to be a closed system. The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

1) transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and

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2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 724.982(c);

g) Each cover opening shall be secured in the closed, sealed position (e.g., a cover by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:

1) Add, remove, inspect, or sample the material in the surface impoundment;

2) Inspect, maintain, repair, or replace equipment located underneath the cover;

3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 720.47; or

4) Vent gases or vapors from the surface impoundment to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed vent system, or control device provided each device meets all of the following conditions:

1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed vent system connected to a control device; and

2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General requirements.

1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) below apply to the container.

A) For a container having a design capacity greater than 0.1

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m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

- B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
- C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

- 1) A container using Container Level 1 controls is one of the following:

- A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
- B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
- C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) above must be equipped with covers and closure devices, as applicable to the container, that are

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composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of

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material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)) within 24 hours after the container is accepted at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) below.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) below.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous

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materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be

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added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the

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internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)) within 24 hours after the container arrives at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) below.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) below.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after

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detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) below.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) below.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) above.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A)

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above, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

- 1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) below.
 - 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).
- g) The owner or operator shall use the procedure specified in Section 724.983(d) for determining a container operates with no detectable organic emissions for the purpose of complying with subsection (d)(1)(B) of this Section.
- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
 - 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm.

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- Code 720.111.
- 2) A pressure measurement device must be used that has a precision of +2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
 - 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.
- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m³ (3.5 ft³) or 26.4 gal subject to this Subpart into which any hazardous waste is placed except for a container in which all hazardous waste entering the container meets the conditions specified in Section 724.982(f).
- b) An owner or operator shall manage hazardous waste in containers using the following procedures:
- i) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:
 - A) A container that is equipped with a cover which operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 49 CFR 607, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111; the first time any portion of the hazardous waste is placed into the container; if a leak is detected and cannot be repaired immediately, the hazardous waste shall be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.
 - B) A container having a design capacity less than or equal to 0.46 m³ (16.2 ft³) or 122 gal that is equipped with a cover and complies with all applicable Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) A container that is managed in accordance with the requirements of 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR Part 178 regulations except as noted in subsection (b)(1)(B)(ii) below.
 - iii) A lab-pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference

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achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.

e) The closed vent system and control device shall be designed and operated in accordance with the requirements of Section 224.987.

3) An owner or operator transferring a hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 122 gal shall meet the following requirements:

A) Hazardous waste transfer by pumping shall be performed using a conveyance system that uses a tube-ferret pipe hose to add the waste into the container. During transfer of the waste into the container the cover shall remain in place and all container openings shall be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube shall be positioned in a manner so that:

i) the tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube;

ii) the lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.0 in) whichever distance is greater from the bottom of the container at all times waste is flowing through the tube; or

iii) the tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.0 in) from the container bottom.

B) Hazardous waste transferred by a means other than pumping shall be performed such that during transfer of the waste into the container the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.

c) Each container opening shall be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

1) Add, remove, inspect, or sample the material in the container;

2) Inspect, maintain, repair or replace equipment located inside the container; or

3) Vent gases or vapors from a cover located over or enclosing an

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at 95-111. Adm. Code 720.111, for the purpose of complying with this Subpart may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b) incorporated by reference at 95-111. Adm. Code 720.111.

e) A container that is attached to or forms a part of any truck, trailer or railcar and that has been demonstrated within the preceding 12 months to be organic vapor-tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched) for the purpose of meeting the requirements of this subsection, a container is organic vapor-tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psi) or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.50 kPa (0.65 psi) or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR 607. Appendix A, and a pressure measurement device which has a precision of 0.25 mm water and which is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

2) An owner or operator treating hazardous waste in a container by either a waste stabilization process or any process that requires the addition of heat to the waste or any process that produces an exothermic reaction shall meet the following requirements:

A) Whenever it is necessary for the container to be open during the treatment process, the container shall be located inside an enclosure that is vented through a closed vent system to a control device.

B) The enclosure shall be a structure that is designed and operated in accordance with the following requirements:

i) The enclosure shall be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed vent system to the control device.

ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure shall be maintained at a pressure below atmospheric pressure so that whenever an open container is placed inside the enclosure no organic vapors are released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure

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open-container-to-a-closed-vent-system-connected-to-a-control device-that-is-designed-and-operated-in-accordance-with-the requirements-of-Section-724.987-

d) One-or-more-safety-devices-that-vent-directly-to-the-atmosphere-may-be used-on-the-container-cover-enclosure-closed-vent-system-or control-device-provided-each-device-meets-all-of-the-following conditions:

- i) The-safety-device-is-not-used-for-planned-or-routine-venting-of organic-vapors-from-the-container-cover-enclosure-or closed-vent-system-connected-to-a-control-device-and
- 2) The-safety-device-remains-in-a-closed-sealed-position-at-all times-except-when-an-unplanned-event-requires-that-the-device open-for-the-purpose-of-preventing-physical-damage-or-permanent deformation-of-the-container-cover-enclosure-closed-vent system-or-control-device-in-accordance-with-good-engineering-and safety-practices-for-handling-flammable-combustible-explosive or-other-hazardous-materials--An-example-of-an-unplanned-event is-a-sudden-power-outage-

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.987 Standards: Closed-vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system shall meet the following requirements:

- 1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.
- 2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k).
- 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection [b](3)(A) below, or a seal or locking device, as specified in subsection [b](3)(B) below. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be devices.

A) If a flow indicator is used to comply with this subsection [b](3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of

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the control device inlet. For the purposes of this subsection, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.

- B) If a seal or locking device is used to comply with this subsection [b](3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(l).

3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:

A) For each bypass device, except as provided for in subsection [b](3)(B) below, the owner or operator shall either:

- i) install a calibrator, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device, or

ii) Secure a valve installed at the inlet to the bypass device in the closed position using a car seal or a lock and key type configuration; the owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.

- B) Low-leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of subsection [b](3)(A) above.

c) The control device shall meet the following requirements:

- 1) The control device shall be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
- 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section

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shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F) below.

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) above for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) above for control devices do not apply during a control device system malfunction.

D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) above (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).

E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

2) ~~The control device shall be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.~~

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).

B) All carbon removed from the control device shall be managed in accordance with the requirements of Section 724.933(nm).

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above

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shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above, as follows:

A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or industrial furnace ~~process-heater~~ burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed designs and operates the unit in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H; or

v) A boiler or industrial furnace ~~process-heater~~ burning hazardous waste for which the owner or operator has designed and operates in accordance ~~certified~~ compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis shall meet the requirements specified in Section 724.935(b)(4)(C).

E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator

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in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

- 7) The control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (1). The readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

Section 724.988 Inspection and Monitoring Requirements

- a) The owner or operator shall inspect and monitor air emission control equipment used to comply with this Subpart in accordance with the applicable requirements specified in Section 724.984 through Section 724.987.
- b) The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) above. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.
- a) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 724.984 through 724.987.
- b) Each cover used in accordance with requirements of Sections 724.984 through 724.986 shall be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) except as follows:
- 1) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for the following tank covers:
- A) A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section 724.991; or
- B) A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 724.992.
- 2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.
- 3) An owner or operator is exempted from performing the cover

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- inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for a container that meets all requirements specified in either Section 724.986(b)(1)(B) or (b)(1)(E):
- 4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for an enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2).
- c) Each closed vent system used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.993(f).
- d) Each control device used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.993(f) and 724.993(f).
- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 724.115.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the information specified in subsections (b) through (i) below, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) below, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (i) below must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.984(d).
- The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 shall prepare and maintain records for the tank that include the following information:
- 1) For each tank using air emission control in accordance with the requirements of Section 724.984, the owner or operator shall record:
- A) A tank identification number (or other unique identification

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description as selected by the owner or operator).

- B) A record for each inspection required by Section 724.984 that includes the following information:

i) Date inspection was conducted.
 ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.984, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

- 2) In addition to the information required by subsection (b)(1) above, the owner or operator shall record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) shall prepare and maintain documentation describing the floating roof design.

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) shall prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) shall prepare and maintain the following records:

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i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) below.

c) The owner or operator of a surface impoundment using air emission control in accordance with the requirements of Section 724.985 shall prepare and maintain records for the surface impoundment that include the following information:

1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator.
 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).
 3) A record for each inspection required by Section 724.985 that includes the following information:

A) Date inspection was conducted.
 B) For each defect during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e).
 d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 shall prepare and maintain records that include the following information:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) below.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 shall prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) below when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.

D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.

E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) below for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable.

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

F) An owner or operator shall record the information specified

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in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) below for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) above, as applicable.

i) The occurrence and duration of each malfunction of the control device system.

ii) The duration of each period during a malfunction when gases, vapors or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).

f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) shall prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2), the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 724.983.

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) shall record the following information: the identification numbers for waste management with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information as applicable:

1) Documentation for each cover installed on a tank in accordance

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- with the requirements of Section 724.984(b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35-III-Adm-Code-725.991(c).
- 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 724.995(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in 35-III-Adm-Code-725.991(c).
- 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design and certification by the owner or operator that the enclosure meets the specifications listed in Section 724.986(b)(2)(B).
- 4) Documentation for each closed vent system and control device installed in accordance with the requirements of Section 724.987 that includes:
- A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (b)(4)(B) below or by performance tests as specified in subsection (a)(4)(C) below when the tank surface impoundment or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - B) If a design analysis is used, then design documentation as specified in Section 724.935(b)(4). The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
- 5) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
- 6) Information as required by Section 724.935(c)(1) and (c)(2). Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 724.986(b)(1)(C).
- 7) Records for all visual inspections conducted in accordance with the requirements of Section 724.988.
- 7) Records for all monitoring for detectable organic emissions

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- conducted in accordance with the requirements of Section 724.988.
- 8) Records of the date of each attempt to repair a leaky repair method applied and the date of successful repair.
- 9) Records for all continuous monitoring conducted in accordance with the requirements of Section 724.988.
- 10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).
- 11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 724.984(b)(2) or (b)(3) that includes information as listed in 35-III-Adm-Code-725.991(c).
- 1) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 724.984(c) shall record the following information:
- 1) Date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 724.983(c).
 - 2) Results of each determination of the maximum organic vapor pressure of the waste in a tank performed in accordance with Section 724.983(c).
 - 3) Records specifying the tank dimensions and design capacity.
- 2) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 724.991 shall record the information required by Section 724.991(c).
- 3) An owner or operator electing not to use air emission controls for a particular tank surface impoundment or container subject to this Subpart in accordance with the conditions specified in Section 724.992(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 724.983.
- 4) An owner or operator electing to comply with requirements in accordance with Section 724.982(c)(2)(B) or Section 724.984(c)(2)(F) shall record the identification number for the industrial battery or industrial furnace in which the hazardous waste is treated.
- 5) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to 35-III-Adm-Code-725.989(f)(5) or different to inspect and monitor pursuant to 35-III-Adm-Code-725.989(f)(6) shall record in a log that is kept in the facility operating record the following information:
- 1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of 35-III-Adm-Code-725.989(f)(7) and an explanation for each cover stating why the cover is unsafe to

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inspect-and-monitor--and-the-plan-and-schedule-for-inspecting-and-monitoring-each-cover:

2) A--list--of-identification-numbers-for-tanks-with-covers-that-are-designated-as-difficult-to-inspect-and-monitor-in-accordance-with-the-requirements-of--35--Ill.--Adm.--Code--725.989(f)(6),--an-explanation--for-each-cover--stating-why-the-cover-is-difficult-to-inspect-and-monitor--and-the-plan-and-schedule-for-inspecting-and-monitoring-each-cover:

g) All-records-required-by-subsections-(a)-(f)-through-(f)-above--except--as-required--in-subsections-(a)-(f)-through-(a)-(f)-shall-be-maintained-in-the-operating-record-for-a-minimum-of-3-years--All--records--required-by-subsections-(a)-(f)-through-(a)-(f)-above--shall-be-maintained-in-the-operating-record-until-the-air-emission-control-equipment-is-replaced-or-otherwise-no-longer-in-service:

h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR Part 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator shall record and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).

2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) above are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

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3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) above in the tanks or containers identified pursuant to subsection (i)(2) above would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section---724.984(g), would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section---724.986(d), would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 724.990 Reporting Requirements

a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500±00 ppmw at the point of waste origination or placing in the waste management unit

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a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(FE). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA U-S--BPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

b) Each owner or operator using air emission controls on a tank in accordance with the requirements Section 724.984(c) shall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b)(1) through (e)(4). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA U-S--BPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 shall submit a semiannual written report to the Agency excepted as provided for in subsection (d) below. The report shall describe each occurrence during the previous 6-month period when either of the two following events occurs: a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or when a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report shall include the USEPA U-S--BPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

d) A report to the Agency in accordance with the requirements of subsection (c) above is not required for a 6-month period during which all control devices subject to this Subpart are operated by the owner or operator so that during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and or no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 724.991 Alternative Control Requirements for Tanks (Repealed)

- a) This Section applies to owners and operators of tanks that elect to comply with Section 724.984(b)(2) or Section 724.984(b)(3); the owner or operator that elects to comply with Section 724.984(b)(2) shall design, install, operate, and maintain a fixed-roof and internal floating roof that meet the requirements specified in 35 Ill. Adm. Code 725.991(a)(1) through (a)(1)(3);
- b) The owner or operator that elects to comply with Section 724.984(b)(3) shall design, install, operate, and maintain an external floating roof that meets the requirements specified in 35 Ill. Adm. Code 725.991(a)(2) through (a)(2)(c); the owner or operator shall inspect and monitor the control equipment in accordance with the following requirements:
- i) For a tank equipped with a fixed-roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(1);
- ii) For a tank equipped with an external floating roof in accordance with the requirements of subsection (a)(2) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(2);
- c) The owner or operator shall record the following information in the operating record in accordance with the requirements of Section 724.989(a)(1) and (a)(1)(i):
- i) For a tank equipped with a fixed-roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(1);
- ii) For a tank equipped with an external floating roof in accordance with the requirements of subsection (a)(2) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(2);

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities
- 2) Code citation: 35 Ill. Adm. Code 726
- 3) Section numbers: Proposed action:
726.170 Amended
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.
- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal Action

July 7, 1995
(61 Fed. Reg. 35452)

Summary
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

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August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

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December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

POLLUTION CONTROL BOARD

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need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)

Summary
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996

(61 Fed. Reg. 43923)

Summary
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996

(61 Fed. Reg. 59931)

Summary
Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Summary
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997

(62 Fed. Reg. 7501)

Summary
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

May 12, 1997
(62 Fed. Reg. 25997)

Summary
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)

Summary
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)

Summary
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 726 incorporate an aspect of the OECD requirements for international shipments of hazardous waste.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No.
The existing text of Part 726 includes incorporations by reference, which are centrally located at 35 Ill. Adm. Code 720.111, but the instant amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this

POLLUTION CONTROL BOARD

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proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agveman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 726 incorporate an aspect of the OECD requirements for international shipments of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 726 incorporate an aspect of the OECD requirements for international shipments of hazardous waste.

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
726.122 Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
726.123 Standards Applicable to Users of Materials that are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section
726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

PRECIOUS METAL RECOVERY

Section
726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section
726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section
726.200 Applicability
726.201 Management prior to Burning
726.202 Permit standards for Burners
726.203 Interim status standards for Burners
726.204 Standards to control Organic Emissions
726.205 Standards to control PM
726.206 Standards to control Metals Emissions
726.207 Standards to control HCl and Chlorine Gas Emissions
726.208 Small quantity On-site Burner Exemption
726.209 Low risk waste Exemption
726.210 Waiver of DRE trial burn for Boilers
726.211 Standards for direct Transfer
726.212 Regulation of Residues
726.219 Extensions of Time

APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine

APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

APPENDIX D Reference Air Concentrations

APPENDIX E Risk Specific Doses

APPENDIX F Stack Plume Rise

APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX I Methods Manual for Compliance with BIF Regulations

APPENDIX J Guideline on Air Quality Models

APPENDIX K Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters

APPENDIX L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury

POLLUTION CONTROL BOARD

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Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section 726.170 Applicability and requirements

a) The regulations of this Subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

b) Persons that who generate, transport or store recyclable materials that are regulated under this Subpart are subject to the following requirements:

- 1) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act;
- 2) 35 Ill. Adm. Code 722.Subpart B (for generators), 35 Ill. Adm. Code 723.120 and 121 (for transporters), and 35 Ill. Adm. Code 725.171 and 725.172 (for persons that who store); and
- 3) For precious metals exported to or imported from designated OECD member countries for recovery, 35 Ill. Adm. Code 722.Subpart H and 725.112(a)(2). For precious metals exported to or imported from non-OECD countries for recovery, 35 Ill. Adm. Code 722.Subparts E and F.

c) Persons that who store recycled materials that are regulated under this Subpart shall keep the following records to document that they are not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));

- 1) Records showing the volume of these materials stored at the beginning of the calendar year;
- 2) The amount of these materials generated or received during the

POLLUTION CONTROL BOARD

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calendar year; and

3) The amount of materials remaining at the end of the calendar year.

d) Recyclable materials that are regulated under this Subpart that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 722 through 725, and 35 Ill. Adm. Code 702, 703 and 705.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for the Management of Used Oil2) Code citation: 35 Ill. Adm. Code 7393) Section numbers:
739.110
Amended4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part is only a segment, updates Parts 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

POLLUTION CONTROL BOARD

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August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

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December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal ActionSummary

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 739 are purely minor housekeeping amendments. The original intent in including this Part in the docket was to incorporate the October 11, 1995 federal stay of the used oil mixtures rule, but USEPA announced that that stay had been judicially vacated on June 28, 1996.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 739 are purely minor housekeeping amendments.

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

The segment of the amendments involved in Part 739 are purely minor housekeeping amendments.

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was Summarized: State reasons

POLLUTION CONTROL BOARD

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for this rulemaking if it was not included in either of the two most recent regulatory agendas. This proceeding appeared in the January 1997 regulatory agenda at 21 Ill. Reg. 1431, 1465, January 31, 1997.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: SPECIFIC HAZARDOUS WASTE MANAGEMENT STANDARDS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100

Definitions

SUBPART B: APPLICABILITY

Section
739.110
739.111
739.112

Applicability
Used oil specifications
Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120
739.121
739.122
739.123
739.124

Applicability
Hazardous waste mixing
Used oil storage
On-site burning in space heaters
Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section
739.130
739.131
739.132

Do-it-yourselfer used oil collection centers
Used oil collection centers
Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
739.140
739.141
739.142
739.143
739.144
739.145

Applicability
Restrictions on transporters who are not also processors
Notification
Used oil transportation
Rebuttable presumption for used oil
Used oil storage at transfer facilities

POLLUTION CONTROL BOARD

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739.146 Tracking
739.147 Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General facility standards
739.153 Rebuttable presumption for used oil
739.154 Used oil management
739.155 Analysis plan
739.156 Tracking
739.157 Operating record and reporting
739.158 Off-site shipments of used oil
739.159 Management of residues

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on burning
739.162 Notification
739.163 Rebuttable presumption for used oil
739.164 Used oil storage
739.165 Tracking
739.166 Notices
739.167 Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-specification used oil fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under 35 Ill. Adm. Code ~~parts~~ 702, 703, 720 through 726, and 728.

- a) Used oil. USEPA H-8--EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.
 - 1) Listed hazardous waste.
 - A) A mixture of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728, rather than as used oil under this Part.
 - B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). USEPA H-8--EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
 - i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to

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reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C is subject to:

- A) Except as provided in subsection (b)(2)(BE) of this Section:

- i) regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or

- B) ~~Except as provided in subsection (b)(2)(f)(i) of this Section:~~

- ii) regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.

- BE) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

- 3) Conditionally exempt small quantity generator hazardous waste. A mixture of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 is subject to regulation as used oil under this Part.

- c) Materials containing or otherwise contaminated with used oil.
 - 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:
 - A) Is not used oil, and thus, it is not subject to this Part, and

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B) If applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.

2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.

3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of used oil with products.

1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

A) Not used oil and thus are not subject to this Part, and
B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726, and 728 as provided in 35 Ill. Adm. Code 721.103(e)(1).

2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

A) Not used oil and thus are not subject to this Part, and
B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 if the materials are listed or identified as hazardous waste.

4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small

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amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

g) Used oil introduced into crude oil pipelines or a petroleum refining facility.

1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.

2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.

3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.

4) Except as provided in subsection (g)(5) below, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.

5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.

h) Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

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- i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil containing any qualifiable level of PCBs is subject to the requirements of 40 CFR 761.20(e).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for Universal Waste Management

- 2) Code citation: 35 Ill. Adm. Code 733

- 3) Section numbers: Proposed action:

733.120 Amended

733.140 Amended

733.156 Amended

733.170 Amended

- 4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of July 24, 1997, in R96-10/R97-3/R97-5, which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10/R97-3/R97-5 proceeding, of which the amendments to this Part are only a segment, updates Parts 702, 703, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the periods July 1 through December 31, 1995 and January 1 through June 30, 1996. Additionally, this rulemaking amends Illinois underground injection control rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1996. During these periods, USEPA amended its regulations as follows:

Federal ActionSummary

July 7, 1995
(61 Fed. Reg. 35452)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 2, 1995
(61 Fed. Reg. 39586)

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

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August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.

October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

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December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinjected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in

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Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 12, 1996
(61 Fed. Reg. 16309)

Phase III LDR corrections (two separate actions). In one action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

April 30, 1996
(61 Fed. Reg. 19117)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 5, 1996
(61 Fed. Reg. 28508)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33680)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

June 28, 1996
(61 Fed. Reg. 33691)

The Board will not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, and June 5, 1996 in the prior RCRA Subtitle C update docket, R95-20, adopted by an order dated June 20, 1996, and effective on August 1, 1996. No further action is required of the Board on those matters. For various reasons explained in the Board's July 24, 1997 opinion, the Board will

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need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995 and June 28, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, requires no Board action.

A small number of later federal amendments to the RCRA Subtitle C regulations directly affects the subject matter involved in this docket. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1 through December 31, 1996.

Federal Action

July 10, 1996
(61 Fed. Reg. 43923)

Summary

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the Subpart CC rules. USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1 through June 30, 1997, are the following:

January 14, 1997
(62 Fed. Reg. 1991)

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8

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through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (The Board received a request from the Peoria Disposal Company to expedite one narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbanate waste listings in response to a judicial remand. USEPA deleted a number of carbanate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Specifically, the segment of the amendments involved in Part 733 incorporate OECD requirements for the international shipment of hazardous waste.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this

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proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-10/R97-3/R97-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which generate, transport, treat, store, or dispose of hazardous waste.

The existing rules and proposed amendments may affect small businesses, small municipalities, and not-for-profit corporations which engage in the underground injection of hazardous wastes.

The segment of the amendments involved in Part 733 incorporate OECD requirements for the international shipment of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records. The segment of the amendments involved in Part 733 incorporate OECD requirements for the international shipment of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	Quantity
733.101	Scope
733.102	Applicability--Batteries
733.103	Applicability--Pesticides
733.104	Applicability--Mercury Thermostats
733.105	Applicability--Household and Conditionally Exempt Small Generator Waste
733.106	Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

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SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-Site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	
733.180	General
733.181	Factors for Petitions to Include Other Wastes

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. _____, effective _____.

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler is subject to the requirements of 35 Ill. Adm. Code 722.Subpart H) shall:

- Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6) and (b); and 722.157;
- Export such universal waste only upon consent of the receiving country

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and in conformance with the USEPA Acknowledgement of Consent, as defined in 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8); and provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8) shall:

- Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6) and (b); and 722.157;
- Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8); and
- Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8) shall:

- A copy of the USEPA Acknowledgement of Consent accompanies the shipment; and
- The shipment is delivered to the facility designated by the person initiating the shipment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART F: IMPORT REQUIREMENTS

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Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c) below:

- A universal waste transporter is subject to the universal waste transporter requirements of 733- Subpart D of this Part.
- A universal waste handler is subject to the small or large quantity handler of universal waste requirements of 733- Subpart B or C of this Part, as applicable.
- An owner of operator of a destination facility is subject to the destination facility requirements of 733- Subpart E of this Part.
- Persons managing universal waste that is imported from an OECD country as specified in 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8) are subject to subsections (a) through (c) of this Section, in addition to the requirements of 35 Ill. Adm. Code 722.158(a)(1) through (a)(6), (a)(7) and (a)(8).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Adm. Code 1220

3) Section Numbers: Proposed Action:

1220.500	Amendment
1220.505	New Section
1220.510	Amendment
1220.520	Amendment
1220.525	Amendment
1220.530	Amendment
1220.540	Amendment
1220.550	Repeal
1220.560	Amendment

4) Statutory Authority: Implementing the Illinois Dental Practice Act [225 ILCS 25]

5) A Complete Description of the Subjects and Issues Involved: The standards for Permit A and Permit B Anesthesia Permits have been revised to reflect different levels and methods of sedation used in a dental facility. Current permit holders will not be required to reapply or meet additional standards to continue to administer anesthesia. Requirements have been added for licensed dentists, who are not permit holders, who have other health care providers administer anesthesia in the dental facility. Licensed dentists holding Permit A and Permit B will be required to complete 4 hours of continuing education in order to renew their permits. Definitions for Anxiolysis or Mood Altering Sedation and Conscious Sedation have been added and a new Section has been added with requirements for Anxiolysis in the Dental Office Setting.

The number of hours required for an anesthesiology training program for administration of conscious sedation, parenteral, has been changed from 120 hours of clinical training to 60 hours of didactic and clinical study.

Section 1220.550 Reporting of Adverse Occurrence has been repealed. Section 1220.405 was adopted on December 20, 1996, which provides for reporting of adverse occurrences for all licensed dentists not just Permit A and Permit B holders.

Numerous style and grammar changes also were made.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dental services.

B) Reporting, bookkeeping or other procedures required for compliance: Dentists may be required to obtain a permit to administer anesthesia.

C) Types of professional skills necessary for compliance: Dental skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

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1220.400	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.505	Anxiolysis in the Dental Office Setting
1220.510	Eight-Parenteral Conscious Sedation in the Dental Office Setting, Parenteral
1220.520	General-Anesthesia-and-Deep Parenteral-Conscious Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits

APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B	Dental Assistant Permitted Procedures
APPENDIX C	Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13

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Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART E: ANESTHESIA PERMITS

Section 1220.500 Definitions

"Anxiolysis or Mood Altering Sedation" means a pharmacologically induced state of consciousness where an individual is awake but has decreased anxiety to facilitate coping skills, retaining interaction ability.

"Conscious Sedation" means a pharmacologically induced depressed state of consciousness under which an individual retains the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands.

"Deep Parenteral-Conscious Sedation" means a controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including inability to respond purposefully to verbal command, produced by a pharmacologic method.

"General Anesthesia" means a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.

"~~Light-Parenteral-Conscious-Sedation~~" means ~~a minimally-depressed level-of-consciousness-under-which-an-individual-retains-the-ability-to-independently-and-continuously-maintain-an-airway-and-respond-appropriately-to-physical-stimulation-and-verbal-command-produced-by-a-pharmacologic-method.~~

(Source: Amended at 21 Ill. Reg. _____, effective December 31, 1998 1999.)

Section 1220.505 Anxiolysis in the Dental Office Setting

- Anxiolysis or mood altering sedation includes the prescription or administration of pharmacologic anxiolysis either with or without concomitant use of nitrous oxide dental analgesia.
- No permit is required beyond the D.D.S. or D.M.D. degrees.

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c) Minimal monitoring of the patient is to be by clinical observation and appropriately documented in the patient's record.

(Source: Added at 21 Ill. Reg. _____, effective December 31, 1998 1999.)

Section 1220.510 ~~Light-Parenteral~~Conscious Sedation in the Dental Office Setting, Parenteral

- Conscious sedation includes the prescription or administration of parenteral pharmacologic agent(s) to be used for the purposes of conscious sedation. Conscious sedation must be administered by an individual qualified under this Section.
- A licensed dentist seeking a Permit A for conscious sedation, parenteral, administration privileges ~~permit-to-administer-light parenteral-conscious-sedation~~ shall file an application with the Department, on forms provided by the Department, which includes:
 - Either:
 - Certification of completion of an advanced education program in anesthesiology that which meets the requirements set forth in Section 1220.540(a); or
 - Evidence ~~for-applicants-who-have-been-administering-light parenteral-conscious-sedation-evidence-of-experience-and/or education-that-which-includes,~~ but is not limited to, the following:
 - All ~~all~~ continuing education or advanced education courses in ~~light-parenteral~~ conscious sedation, parenteral, within the last 3 years;
 - The number of patients to which the applicant has administered ~~light-parenteral~~ conscious sedation, parenteral, within the last 3 years;
 - A summary of drugs, average doses and duration of procedure in the administration of ~~light-parenteral~~ conscious sedation, parenteral, in the last 3 years; and
 - Any adverse occurrences in the administration of ~~light-parenteral-conscious~~ sedation, parenteral, as set forth in Section 1220.405. 1220-5507

3) To ~~in-order-to~~ be licensed in accordance with this subsection (b)(1)(B)(2)-above, the applicant must apply by December 31, 1998 1999.

2) A signed affidavit certifying that the dentist he will practice in a facility properly equipped in accordance with subsection (g) of this Section ~~to-below~~ for the administration of ~~light-parenteral~~ conscious sedation, parenteral, and staffed with a supervised team that which consists of a minimum of 2 two individuals, in addition to the dentist, capable of handling procedures, problems and emergencies incident to the

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administration of such sedation (e.g., cardiopulmonary resuscitation); and

3) ~~The~~ the required fee set forth in Section ~~21~~ 8-1 of the Act.

c) Dentists who have a current valid permit for conscious sedation, parenteral, issued by the Department may be permitted to administer without additional application.

d) ~~Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Department will:~~ issue--a tight-parenteral-conscious-sedation-permit--(Permit-A)--

- 1) Issue a conscious sedation, parenteral, permit (Permit A).
- 2) Re-issue a conscious sedation, parenteral, permit to Permit A holders who attest to completing continuing education.

e) ~~Licenses qualified to administer general--anesthesia--or deep parenteral conscious sedation (Permit B) pursuant to Section 1220.520 may administer tight--parenteral conscious sedation, parenteral, without a Permit A.~~

f) ~~If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Department or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Department or a member of the Board's Advisory Panel prior to the issuance of a permit.~~

g) ~~A properly equipped facility shall include at a minimum:~~

- 1) Sphygmomanometer, sphygmomanometer and stethoscope;
- 2) An oxygen delivery system with full face masks and connectors, that which is capable of delivering oxygen to the patient under positive pressure, with a backup system;
- 3) Emergency emergency drugs and equipment appropriate to the medications administered;
- 4) Suction suction equipment; and
- 5) An an emergency back-up lighting system that which-is-battery powered-and-which will permit the completion of any operation underway; and-
- 6) A pulse oximeter.

h) ~~The following records shall be kept during the administration of tight-parenteral conscious sedation, parenteral:~~

- 1) Medical medical history of the patient prior to the performance of any procedure;
- 2) Preoperative preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, and respiration and oxygen saturation; and
- 3) Drugs drugs and dosages of these drugs used during the operative procedure, including the identification of the person administering drugs and times of their administration over the course of the procedure.

i) A licensed dentist, not holding Permit A, intending to perform dentistry while a licensed dentist who holds a Permit A or B, or a

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physician who is licensed to practice medicine in all of its branches under the Medical Practice Act, administers conscious sedation, parenteral, does not need to hold Permit A. If it is a physician providing conscious sedation, parenteral, the dentist shall be prepared to provide affidavits to the following if requested by the Department:

1) Basic Life Support (BLS) training;

2) That the facility used for sedation meets the criteria of subsection (g) of this Section;

3) That the dentist shall staff the facility with a supervised team that includes a minimum of 2 individuals (in addition to the provider sedating) capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report adverse occurrences to the Department as set forth in Section 1220.405 and accept the responsibility to verify the certification and licensure of any licensed provider present during the conscious sedation, parenteral, of a patient who is receiving dental care.

i) A licensed dentist intending to perform dentistry while a licensed nurse anesthetist administers conscious sedation, parenteral, does need to hold Permit A.

k) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit A.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1220.520 General-Anesthesia-and-Deep Parenteral-Conscious Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section.

a) A licensed dentist seeking a permit to administer general--anesthesia or deep parenteral-conscious sedation or general anesthesia shall make application to the Department, on forms provided by the Department, which shall include:

- 1) Certification of meeting one or more of the following: certification--of--completion--of--advanced--training--in anesthesia--in--a--program--approved--by--the--Department--in accordance-with-Section-1220-540(b)--or

A) Completion of a minimum of 2 years of advanced training in anesthesiology or related academic subjects, or its equivalent, beyond the pre-doctoral level, in a training program as outlined in Part 2 of Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program, published by the American Dental Association, Council on Dental Education, dated July 1993.

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- B) Be a diplomate of the American Board of Oral and Maxillofacial Surgery, or be eligible for examination by the American Board of Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.
- C) Has a specialty license in oral and maxillofacial surgery issued by the Department.
- D) Has a current valid permit for deep sedation or general anesthesia administration issued by the Department.
- 2) a copy of the certification from one of the following:
- A) a diplomate of the American Board of Oral and Maxillofacial Surgery; or
- B) eligible for examination by the American Board of Oral and Maxillofacial Surgery; or
- C) a member of the American Association of Oral and Maxillofacial Surgeons; and
- B) license in Oral and Maxillofacial by the State of Illinois.
- 2)3) A signed affidavit certifying that the dentist he will practice in a facility properly equipped in accordance with subsection (d) of this Section below for the administration of general anesthesia and deep parenteral-conscious sedation and general anesthesia staffed with a supervised team that which includes a minimum of 2 two individuals, in addition to the dentist, capable of assisting with handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS cardiopulmonary resuscitation); and
- 3)4) The pay-the required fee set forth in Section 21.0-1 of the Act.
- b) Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Department will issue a general-anesthesia-or deep parenteral-conscious sedation or general anesthesia permit (Permit B).
- c) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Department or the Board, because of discrepancies ~~discrepancies~~ or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Department or a member of the Board's Advisory Panel prior to the issuance of a permit.
- d) Each facility where general-anesthesia-or deep parenteral-conscious sedation or general anesthesia is administered shall be equipped with that equipment specified in Section 1220.510(g) (e) as well as the following:
- 1) Laryngoscope ~~taryngoscope~~ complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served ~~but;~~
 - 2) Endotracheal ~~endotracheal~~ tubes and an connectors and face masks in sizes appropriate for the patient population being served and

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- a device capable of delivering positive pressure ventilation;
- 3) Tonsillar ~~tonsillar~~ or pharyngeal suction tips ~~tip~~ adaptable to all office suction outlets;
 - 4) Nasal and oral airways in sizes appropriate to the patient population being served;
 - 5) Device for monitoring temperature (e.g., temperature strips, thermometer);
 - 4) endotracheal-tube-type-forceps;
 - 6)5) Electrocardioscope ~~electrocardioscope~~ and defibrillator;
 - 7) Pulse oximeter;
 - 8)6) Equipment for the establishment of an intravenous infusion;
 - 9)7) Emergency emergency drugs and equipment appropriate to the medications administered ~~te-g-7-anticonvulsants-anticholinergics-antihistamines~~;
 - 10)8) An an operating table or an operating chair that which permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and
 - 11)9) A recovery area that which has available oxygen, lighting, suction and electrical outlets. The patient should remain in the recovery area until the individual retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and verbal command. The recovery area may be the operating theatre; and-
 - 12)10) An an-emergency back-up lighting system that which is--battery powered--and--which will permit the completion of any operation underway.
- e) The following records shall be kept when administering general anesthesia--and deep parenteral--conscious sedation and general anesthesia:
- 1) Medical medical history and of-the patient evaluation prior to the performance of any procedure;
 - 2) Preoperativepreoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, and respiration and oxygen saturation;
 - 3) EKG monitoring during the entire procedure; and
 - 4) Drugs ~~drugs~~ and dosages of agents ~~these drugs~~ used during the operative procedure, including nitrous oxide and oxygen, and including identification of the person administering drugs and times of their administration over the course of the procedure.
- Documentation of the anesthetic encounter will be consistent with currently accepted standards of anesthetic practice.
- f) The dentist who holds Permit B shall report adverse occurrences to the Department and the Board as required by Section 1220.405.
- g) A licensed dentist, not holding Permit B, intending to perform dentistry while a licensed dentist who holds Permit B, or a physician licensed in all of its branches under the Medical Practice Act, administers deep sedation or general anesthesia does not need to hold

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Permit B. If the provider is a physician, the dentist shall be prepared to provide affidavits attesting to the following if requested by the Department:

- 1) BLS training;
- 2) That the facility used is equipped as specified in subsection (d) of this Section;
- 3) That staffing of the deep sedation or general anesthesia is with a supervised team that consists of a minimum of 2 individuals, in addition to the dentist, capable of handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report severe adverse occurrences to the Department as set forth in Section 1220.495 and accept the responsibility for verifying certification and licensure of any licensed provider present during the deep sedation or general anesthesia of a patient receiving dental care.
- h) A licensed dentist intending to perform dentistry while a licensed nurse anesthetist administers deep sedation or general anesthesia does not need to hold Permit B.
- i) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit B.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1220.525 Renewal

- a) Every anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a permit may renew the ~~such license or~~ permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act and completing 4 hours of continuing education as required in Section 1220.535(k) and 1220.520(i).
- b) No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew ~~and renewal of~~ one's license.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1220.530 Anesthesia Review Panel

- a) The Director shall appoint upon recommendation of the Board an

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Anesthesia Review Panel that which shall consist of 5 five members. The members shall meet the following minimum requirements:

- 1) Each member shall be a licensed dentist in the State of Illinois whose license is active and in good standing;
 - 2) Two two members shall hold an active Permit A meet--the requirements--of--Section--1220.510(a)--for--issuance--of--light parenteral-conscious-sedation-(Permit-A)-and-shall-apply-for-said permit;
 - 3) Three three members shall hold an active Permit B meet--the requirements--of--Section--1220.520(a)-for--issuance--of--a--general anesthesia--or--deep-parenteral-conscious-sedation-permit-(Permit-B)-and-shall-apply-for-said-permit.
- b) The duties-of-the Panel shall include:
- 1) Meet at the direction of the Board of Dentistry or the Director;
 - 2) Be paid a per diem and be reimbursed for all legitimate, necessary and authorized expenses incurred in attending the meetings of the Panel;
 - 3) 1) Review review--of Permit A and Permit B applications in accordance with the provisions of Sections 1220.510 and 1220.520;
 - 4) 2) Recommend recommend to the Board the eligibility of applicants;
 - 5) 3) Recommend recommend to the Board when an on-site inspection may be necessary and conduct inspection with a Board member present;
 - 6) 4) Evaluate evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants; and
 - 7) 5) Advise advise the Board in regard to anesthesiology related matters that include which--includes mortality and morbidity statistics.
- d) Each panel member shall serve a 2-year one-year term and may be reappointed once.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1220.540 Approved Programs in Anesthesiology

- a) 1) ~~Eight--Parenteral~~ Conscious Sedation, Parenteral, in the Dental Office Setting
The anesthesiology training program shall:
1) ~~Include include-at-least~~ a minimum of 60 120 hours of didactic and clinical study that includes training in conscious sedation (both light and deep), physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, and monitoring with additionally supervised experience in providing conscious sedation to 20 or more patients; ~~clinical--training--and--10--hours--of--didactic training--in--anesthesia--and--related--academic--subjects--(i.e., physiology, pharmacology) over--and--above--the--requirements--of~~ Section-1220.140; and

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- 2) Be ~~be~~ ~~completed~~ ~~within~~ ~~three~~ ~~consecutive~~ ~~months~~ ~~or~~ ~~in~~ an organized sequence of study operated by one entity and completed in less than one calendar year.

- b) General Anesthesia or Deep Parenteral-Conscious Sedation or General Anesthesia

- 1) An approved training program in anesthesiology to administer general anesthesia ~~or deep parenteral-conscious sedation~~ of general anesthesia shall be one calendar year that ~~which~~ includes a minimum of 100 hours of didactic and 1,000 hours of clinical training.

- 2) The didactic aspect may precede the clinical training or it may be offered in an integrated manner. The trainee must receive the equivalent of one calendar year, on a consecutive basis, not to exceed 2 ~~two~~ years, as the minimum required to provide an acceptable clinical and didactic program in comprehensive pain control. Both lectures and seminars are appropriate for providing the didactic training. The didactic subject matter shall include:

- A) The basic sciences (physiology, pharmacology, anatomy, biochemistry). The instruction shall not be based only on its relationship to a limited technical practice of anesthesia but shall also provide the opportunity for a thorough understanding of the processes of respiration, circulation, kidney function, and liver function;
- B) Patient evaluation (physical diagnosis and internal medicine);
- C) Psychological aspects of human behavior and management of pain;

- D) Techniques of pain control, including physical, psychological and pharmacological methods; and
- E) Management of related emergencies and complications.

- 3) If the advanced training is obtained in a hospital based residency in anesthesiology, the training shall be restricted to those hospitals having anesthesia training programs approved by the Council on Medical Education of the American Medical Association or American Dental Association or American Society of Anesthesiology.

- c) An anesthesiology training program shall be based in a university or hospital.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1220.550 Reporting of Adverse Occurrences (Repealed)

- a) ~~A dentist who holds either Permit-A or Permit-B shall report to the Department within 72 hours each adverse occurrence related to the administration of general anesthesia or light or deep parenteral~~

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- ~~conscious sedation which results in the death of a patient within 24 hours of the procedure;~~
- b) ~~A dentist who holds either Permit-A or Permit-B shall report to the Department within 30 days each adverse occurrence related to the administration of general anesthesia or light or deep parenteral conscious sedation which results in permanent organic brain dysfunction of a patient within 24 hours of the procedure or physical injury which results in hospitalization of a patient within 24 hours of the procedure.~~

- c) ~~The adverse occurrence report shall include:~~

- 1) ~~the dentist's name, license number and anesthesia permit number;~~
- 2) ~~the date and time of the occurrence;~~
- 3) ~~the facility where the occurrence took place;~~
- 4) ~~the name of the patient;~~
- 5) ~~the surgical procedure involved;~~
- 6) ~~the type and dosage of sedation or anesthesia utilized in the procedure; and~~
- 7) ~~the circumstances involved in such occurrence.~~
- d) ~~Upon receipt of any such report, the Department shall make such investigation pursuant to Section 25 of the Act and 68 Ill. Adm. Code 110.~~
- e) ~~Failure to provide such information to the Department shall be grounds for discipline.~~

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 1220.560 Restoration of Permits

- a) A licensee seeking restoration of a ~~his~~ permit after it has expired for ~~less than five~~ ~~5~~ years or less shall have the ~~his~~ permit restored upon payment of \$10 plus all lapsed renewal fees.

- b) A licensee seeking restoration of his permit after it has expired for more than ~~five~~ ~~5~~ years shall file an application, on forms supplied by the Department, together with the fees required by Section 21 ~~8-1~~ of the Act. The registrant shall also submit either:

- 1) ~~Sworn~~ ~~Sworn~~ evidence of lawful active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of the ~~his~~ permit within 2 years after of termination of such service, he/she shall have the ~~his~~ permit restored without paying any lapsed renewal or restoration fees.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Authorized Child Care Payments
- 2) Code Citation: 89 Ill. Adm. Code 359
- 3) Section Numbers: Adopted Action:
359.2 Amend
359.4 Amend
359.6 Amend
359.8 Amend
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Amendments: July 29, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 29, 1997
- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 4342 (April 11, 1997)
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference between proposal and final version: Other than editing and formatting changes made by the Joint Committee on Administrative Rules, there are no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any proposed amendments to this Part pending? No
- 15) Summary and Purpose of These Adopted Amendments: These rules have been amended to agree with the Department's rules on adoption assistance contained in 89 Ill. Adm. Code 302, Services Delivered by the Department, Section 302.310 and 302.Appendix B.
- In addition to the changes in adoption assistance, the Department has amended the rules to eliminate responsibility for services that became the responsibility of the Department of Human Services effective July 1, 1997; to specify that payments for independent living services will only be made for youth for whom the Department is legally responsible; and to redefine payment responsibility for children for whom the Department is legally responsible who are placed with related caregivers.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
217/524-1983
TTY: 217/524-3715

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 359

AUTHORIZED CHILD CARE PAYMENTS

Section	Purpose
359.1	Definitions
359.2	Introduction
359.3	Payments for Substitute Care Services
359.4	Payments for Family Preservation and Auxiliary Services
359.5	Payments for Independent Living Arrangements
359.6	Payments for Children's Personal and Physical Maintenance
359.7	Payments for Unmarried Mothers (Repealed)
359.8	Payments for Medical Care
359.9	Overpayments and Repayments
359.10	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3259, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1111, effective 11/1/97.

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Human Services Public Aid--09--itt--Adm--Code--itt Assistance-Standards.

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"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Relative", for purposes of placement of a child for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Substitute care services" means those services provided to children who require placement away from their families.

(Source: Amended at 21 Ill. Reg. 10901, effective 4/1/91.)

Section 359.4 Payments for Substitute Care Services

Payments are made for children for whom the Department has legal responsibility and their children living with them in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:

- a) Foster family care is provided in licensed foster family homes. The Department recognizes the following types of foster family care:

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- 1) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.
- 2) Emergency foster homes may be paid a flat rate for days of service provided or may receive retainer fees to assure that emergency beds are available 24 hours per day.
- 3) Department boarding homes are licensed foster family homes operated by foster parents supervised by the Department.
- 4) Private agency foster homes are licensed foster family homes supervised by licensed child welfare agencies.
- 5) Relatives who choose to be licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.
- 6) Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.
- b) Relative family care may be provided by a relative as defined in Section 359.2, living within the State of Illinois, as follows:
 - 1) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation Services.
 - 2) For children for whom the Department is legally responsible who are residing in a home described in subsection (b)(1) above, the Department will pay for the related children placed with the relative caregiver at the child only standard of need established by the Illinois Department of Human Services.
 - 2) Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them and will have 90 days to complete the AFDC application and eligibility process.
 - 3) The Department of Children and Family Services will provide supplemental payments for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child-only standard of need established by the Illinois Department of Public Aid.
 - 4) For placements made prior to July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after receipt of a notice to

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apply for APBG, the relative will receive no payment from the Department in such cases the continued suitability of the relative's home will be reassessed.

5) For placement made on or after July 1, 1995, if the relative caregiver fails to complete the APBG application and eligibility determination process within 90 days after placement of the related child, the relative will receive no payment from the Department in such cases the continued suitability of the relative's home will be reassessed.

6) At a future date, if the relative complies with the requirement to apply for APBG and complete the eligibility determination process, the Department will then provide the supplemental payments to bring the total income for the related children to the child-only standard of need.

c) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department within 120 days after placement of the child by July 15, 1995 that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not submitted postmarked by July 15, 1995, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Human Services Public Aid for Group II counties. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.

d) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.

e) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.

1) The types of adoption assistance that may be provided include: Special service subsidy is special help given to handle an anticipated expense when no other resource is available; it may include:

A) one-time only payments of non-recurring expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child up to a maximum of \$1500 for each adopted child legal fees related to the consummation of the adoption;

B) payment for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition(s) whose

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onset has been established as occurring prior to the completion of the adoption medical costs not covered by the adopting family's medical insurance or by the Division of Specialized Care for Children;

C) ongoing monthly payments in an amount determined in each case by the Department in accordance with 89 Ill. Adm. Code 302.3, Services Delivered by the Department, Section 302.310, Adoption Assistance Agreements, and Appendix B, Calculating the Amount of Adoption Assistance. The duration of adoption assistance may not extend beyond 18 years of age, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental, or emotional disability that warrants the continuation of assistance, other special services, such as physical therapy, counseling, prostheses, special education, a child may require due to a physical or mental handicap.

2) Regular adoption assistance payments are monthly payments beyond the legal consummation of the adoption and may continue until the child reaches age 18 (for children adopted after November 30, 1981) unless the child has a mental or physical handicap when other assistance is not available for a child adopted after November 30, 1981 with a mental or physical handicap adoption assistance may be provided to age 21.

2) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.

3) The Department shall annually review with the adoptive parent(s) the continuing needs of the child for adoption assistance every two years or more frequently, based on changes in the circumstances of the adoptive parent(s) and the needs of the child being adopted. The adoptive parent(s) shall renew the there shall be an annual written reapplication for adoption assistance agreement every two years prior to the anniversary date of the finalization of the adoption.

f) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.

1) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.

2) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure

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adoptive resources for special needs children.

(Source: Amended at 21 Ill. Reg. 1630, effective 10/9/97.)

Section 359.6 Payments for Independent Living Arrangements

The Department may make payments directly to a youth 16 years of age or older for whom the Department has legal responsibility when by plan the youth is living independently from direct caretaker supervision in order to achieve self-sufficiency.

(Source: Amended at 21 Ill. Reg. 1091, effective 10/9/97.)

Section 359.8 Payments for Unmarried Mothers (Repealed)

- a) ~~The Department may make payments for services cited in other Sections of this Part for unmarried pregnant women for whom the Department is legally responsible. However, payment for maternity center care is limited to a maximum of ninety (90) days.~~
- b) ~~Payment for purchased services for unmarried women for whom the Department is not legally responsible is limited to a maximum of ninety (90) days of maternity center care for pregnant youth who are under 18 years of age at the time of anticipated delivery.~~

(Source: Repealed at 21 Ill. Reg. 1092, effective 10/9/97.)

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1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Adopted Action:
302.20 Amend
302.30 Amend
302.40 Amend
302.310 Amend
302.320 Amend
302.330 Amend
302.Appendix B Amend

4) Statutory Authority: 20 ILCS 505

5) Effective Date of Amendments: July 29, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: July 29, 1997

9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 4350 (April 11, 1997)

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference between proposal and final version: With the exception of editing and typographical corrections made by the Joint Committee on Administrative Rules the only difference occurs in Section 302.320(a) where the words "day care is" were added after "when".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? Yes

14) Are there any proposed amendments to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
302.300	Repeal	21 Ill. Reg. 6375 (May 30, 1997)
302.305	Amend	21 Ill. Reg. 6375 (May 30, 1997)
302.315	Repeal	21 Ill. Reg. 6375 (May 30, 1997)

15) Summary and Purpose of These Adopted Amendments: The Department has amended the method of calculating monthly adoption assistance payments by

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only considering the annual taxable income of adoptive parents that is in excess of \$74,999. The level of subsidy will be reduced based on a graduated income scale starting with an annual taxable income. In addition, the family size, number of children being adopted, and the level of care determination will no longer be used in the calculation of the adoption subsidy. The subsidy rate will be based on \$25.00 less than the amount the child was receiving in foster care at the time the adoption assistance agreement was signed. Cost of living adjustments and increases by age category will be provided. The definition of special needs has been amended to simplify the definition to reflect categories similar to the definition of special needs that was used prior to November 28, 1995. Adoption assistance agreements will be subject to reassessment every two years rather than annually.

In addition to the changes in adoption assistance, the Department has amended the rules to eliminate responsibilities for day care and youth services. These services became the responsibility of the Department of Human Services on July 1, 1997. Wherever these rules require day care or youth services to be provided by the Department of Children and Family Services, language has been added to specify that the Department will only provide such services to children for whom the Department has legal responsibility or to persons in open service cases.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
217/524-1983
TTY: 217/524-3715

The full text of the adopted amendments begin on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services
302.50	

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)

302.150 Delegation of the Investigation (Recodified)

302.160 The Investigative Process (Recodified)

302.170 Taking Children Into Temporary Protective Custody (Recodified)

302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)

302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance Agreements
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)

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302.400 Successor Guardianship
302.405 Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section

302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
APPENDIX B Calculating the Amount of Adoption Assistance

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May

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15, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in

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cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried; and

providing--shelter--and--independent-living-services-for-homeless youth--and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" ~~as--used--in--this--part,~~ means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood,

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marriage, or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent,

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uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
 - is the spouse of such relative, or
 - is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Subsidized Guardianship program" means a child welfare demonstration project which offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405, Subsidized Guardianship.

"Successor guardianship" means the judicial transfer under Section 2-27, 2-28, 2-25, or 2-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 21 Ill. Reg. 10919, effective 10/1/89)

Section 302.30 Introduction

a) The Department of Children and Family Services is the state agency which is responsible for providing public child welfare services to children and their families. The types of services provided encompass the broad array of Department services as detailed in this part. Although the service goals in this part encompass a variety of

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services, any specific service may be provided to families who are living together as well as to children and families who are living apart. Services are provided in order to assure permanent, secure and nurturing living situations for children.

b) The Department determines:

1) the children and family's eligibility for services as specified in 89-III-Adm-Code-303--"Access-to-and-Eligibility-for-Day-Care Services"-and 89 Ill. Adm. Code 304, "Access to and Eligibility for Child Welfare Services";

2) the specific services which are necessary and appropriate for eligible children and families as indicated in the service plan; and

3) whether such services will be provided directly by the Department or through purchase of service providers.

c) The Department shall comply with Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); Sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 793 and 794); the U. S. Constitution; the 1970 Illinois Constitution; and any state and federal laws, regulations or court orders which prohibit discrimination in service delivery on the grounds of race, sex, color, religion, national origin or ancestry, the inability to speak or comprehend the English language or by reason of any handicap. Additionally, no children or their families shall be denied services under this part solely on the basis that a parent is admitted to an Illinois mental health facility, detained in an Illinois jail, or committed to the Illinois Department of Corrections. Refer to 89 Ill. Adm. Code 307, "Indian Child Welfare Services" which defines the special rights of American Indians.

(Source: Amended at 21 Ill. Reg. 10919, effective 10/1/89)

Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for children and families which are individually planned to meet the needs of each child and family. These services are directed toward four service goals which are:

- 1) family preservation
- 2) family reunification
- 3) adoption or attainment of a permanent living arrangement
- 4) youth development

b) Family Preservation

When family preservation is the goal, services are directed toward ensuring the children's development, safety and well-being in the home of their family and preventing placement of children away from their family. Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for

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services. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) emergency caretaker
- 3) homemaker
- 4) protective and family maintenance day care and child development
- 5) family planning
- 6) parent education
- 7) self-help groups
- 8) emergency family shelter
- 9) intensive family preservation services
- 10) other placement prevention services
- 11) referral for substance abuse treatment services
- 12) referral for financial assistance and employment related day care
- 13) referral for housing assistance or housing advocacy
- 14) referral for legal services

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the children's parent(s) or private guardian(s) achieve minimum parenting standards and ensuring their safety and well-being upon return home. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) homemaker
- 3) protective and family maintenance day care and child development
- 4) foster family home care
- 5) relative home care
- 6) residential care
- 7) family planning
- 8) parent education
- 9) intensive family preservation services
- 10) referral for substance abuse treatment services

d) Adoption or Attainment of a Permanent Living Arrangement

When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department has transferred or intends to transfer legal guardianship to the family. The service constellation for these children may include:

- 1) counseling
- 2) adoption
- 3) subsidized guardianship
- 4) relative home care

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5) foster family home care

6) intensive family preservation services

e) Youth Development

- 1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to youth for whom the Department of Children and Family Services is legally responsible:

- A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency; and
- B) Youth who are high school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [20 ILCS 505]; and
- C) Unmarried pregnant youth for whom the Department has legal responsibility; and

B) Unmarried--pregnant--youth--under--age--18--for--whom--the--Department--is--not--legally--responsible--

- 2) The service constellation for youth for whom the Department is legally responsible may include:

- A) counseling/advocacy
- B) day care for the children of unmarried youth
- C) homemaker
- D) family planning
- E) maintenance payments or foster family home, relative home or residential care payment except that maternity home payment shall be limited to a maximum of ninety (90) days.

3) The-only-purchased-service--for--unmarried--youth--for--whom--the--Department--is--not--legally--responsible--for--which--the--Department--will--make--payment--is--a--maximum--of--ninety--(90)--days--of--maternity--home--care--for--unmarried--pregnant--youth--under--age--18--at--the--time--of--anticipated--delivery--

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.310 Adoption Assistance Agreements

- a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be

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determined by the Department on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents (e.g., parents' taxable income), family size, number of children being adopted at the same time, of the adoptive parents and any special care needs of the child being adopted as described in subsection (b)(2) of this Section (e.g., behavioral/emotional therapy, counseling, educational intervention, personal care, and medical/physical condition) of the child being adopted. The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500.00 for each adopted child;

- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption;

- 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (g) of this Section and the formula described in Appendix B, Calculating the Amount of Adoption Assistance, and subject to adjustment at a each annual review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. In but in no event shall the monthly adoption assistance payment be greater than \$25 less than the applicable licensed foster family care payment level as adjusted in accordance with Appendix B, at the time the adoption is finalized, or in the case of conditional monthly payments described in subsection (f) of this Section, at the time the first monthly payment is made;

- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:

- 1) the child cannot or should not be returned to the home of his or her parents, as determined by:
 - A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
 - B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and

- 2) the child meets one of the following criteria or is a member of a sibling group being placed together where at least one child meets one of the following criteria: there exists with respect to the child one or more specific factors or conditions (such as his or her ethnic background, age, or membership in a minority or

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sibling group, or the presence of factors such as documented medical conditions or physical, mental, or emotional handicaps, because of which the Department reasonably concludes that such child cannot be placed with adoptive parents without providing adoption assistance; and

- A) has an irreversible or non-correctable physical, mental or emotional disability; or
- B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or

- C) is six years of age or older; or

- D) is three years of age or older and a racial minority; and

- 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

- c) Adoption assistance agreements as a one-time only payment payments for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted, and the availability of pro bono services, and shall not exceed \$1500.00 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

- d) Adoption assistance agreements for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

- 1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and

- 2) meets one of the following three conditions:

- A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of title IV-A of the Social Security Act in effect as of June 1, 1995 at the time the adoption petition was filed; or

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- B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or
- C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or
- D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and
- 3) ~~is determined by the Department to be in need of ongoing monthly assistance payments in order to provide the child with a permanent home; and~~
- 3) ~~in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented medical condition or a physical, mental, or emotional disability handicap, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.~~
- e) The Department shall determine whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, SSI, Veterans' benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts.
- f) ~~For a child with a documented medical condition or physical, mental, or emotional handicap, the ongoing monthly payments may include an amount based on the level of care needed to support the child. In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may with eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors handicap that do not yet require treatment at the time of the adoption, no such payments based on the level of care shall be made at that time. The although the adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant warranted treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed \$25 less than the amount the child would receive if have received had the child was in been in foster care at the time the payments are initiated as adjusted in accordance with Appendix B of this Part.~~
- g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the

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adoptive parents that the amount of any ongoing monthly payments calculated in accordance with Appendix B of this Part shall be reviewed every two years ~~at least annually~~ and may be readjusted every two years ~~annually~~ or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337, Service Appeal Process. ~~7--but can never exceed the maximum established when the adoption assistance agreement was finalized. The amounts of ongoing adoption assistance payments are subject to change based on changes in State or Federal law regarding adoption assistance. Adoptive parents may refuse any or all payments offered by the Department.~~

h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance, the types of assistance available, the amount of payment, and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years ~~annually~~ and may be readjusted as set forth in Appendix B ~~subsection (g) of this Section~~. In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may not extend beyond age 18 years ~~for children for whom the adoption assistance agreement was negotiated on or after November 28, 1995, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability handicap that warrants the continuation of assistance and the child is not eligible for other benefits~~. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18.

j) The adoptive parent(s) shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:

- 1) the child is no longer the legal responsibility of the adoptive parent(s);
- 2) the child is no longer receiving financial support from the

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adoptive parent(s);

- 3) the child no longer requires adoption assistance for the special needs for which adoption assistance was being provided;
 - 4) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, Veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts; or
 - 5) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments.~~7-01~~
- 6) ~~there is a change of address:~~

(Source: Amended at 21 Ill. Reg. 10319, effective 10319)

Section 302.320 Counseling or Casework Services

- a) Counseling or casework services are provided to children and families to assist them in resolving or coping with problems as well as to identify, obtain and use community resources and services. Problems addressed include, but are not limited to: unsatisfactory caregiver-child relationships; marital discord; inadequate home management, housekeeping or child care practices; parental illness, handicap, desertion or absence; and, physical or mental handicap, or behavior of the child which adversely affects his ability to adjust to his family, school or community and places the child at risk of harm.
- b) Counseling provided to children in need of a one-to-one relationship with an adult is referred to as advocacy and offered to:
 - 1) help children in institutional settings prepare for and adjust to post-institutional care;
 - 2) prevent unnecessary out-of-home placement of children when placement is likely; or
 - 3) help adolescents for whom the Department of Children and Family Services is legally responsible move toward independent functioning and self-sufficiency.

(Source: Amended at 21 Ill. Reg. 10319, effective 10319)

Section 302.330 Day Care Services

Day care services are provided to children and families who are clients of the Department in licensed or license exempt day care facilities, in their own homes or in the homes of relatives:

- a) when parents or relative caregivers are away from home during part of the day when day care is an essential component of the service plan due-to-employment-or-training; or
- b) when parents or relative caregivers are unable to care for the child

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- due to illness; or
- c) when care away from the home for part of the day is essential for the safety and well-being of children and the welfare of the parents or relative caregivers; or
 - d) when the parent's or relative caregiver's ability to care for the children at home during certain hours of the day is impaired; or
 - e) when a child with special developmental needs will benefit from day care services; or
 - f) when a child in foster family care or relative home placement can benefit from day care services.

(Source: Amended at 21 Ill. Reg. 10319, effective 10319)

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Section 302.APPENDIX B Calculating the Amount of Adoption Assistance

a) The monthly adoption assistance subsidy shall not exceed \$25 less than the licensed foster family payment standard for the type of foster care placement in which the child was placed when in foster care immediately prior to finalization of the adoption. The maximum amount of the monthly adoption assistance subsidy will increase whenever the child reaches ages one, five, nine, and 12 (except for specialized foster care rates), and whenever a cost of living increase in the foster care rates is granted.

b) The monthly adoption assistance subsidy shall be reduced based on a graduated income scale starting with the adoptive parents' annual taxable income of \$75,000 (after all deductions have been made on their Federal Income Tax return) in accordance with the chart below.

Taxable Family Income	Percentage of Full Adoption Subsidy Rate
Up to \$74,999	100%
\$75,000 - 79,999	95%
\$80,000 - 84,999	90%
\$85,000 - 89,999	85%
\$90,000 - 94,999	80%
\$95,000 - 99,999	75%
\$100,000 - 104,999	70%
\$105,000 - 109,999	65%
\$110,000 - 114,999	60%
\$115,000 - 119,999	55%
over \$120,000	50%

c) The monthly adoption assistance subsidy will be reduced by the amount of benefits paid on behalf of the child, such as SSA, SSI, Veteran's Railroad Retirement, Black Lung, or when other income is received for the child.

A- Lifetime Adoption Assistance-Maximum

Determine the lifetime maximum adoption assistance amount for each child being adopted at this time. This calculation is based on the age of the child at the time of adoption and the type of foster care the child is receiving. The maximum should not be adjusted because of government benefits, such as Social Security, Supplemental Security Income, veteran's benefits, etc. This figure will serve as the maximum monthly adoption assistance amount that can be paid under the adoption assistance agreement.

Maximum-Standard-Rate

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Age-of-Child Maximum

0-through-11-months	\$290-00-per-month
1-through-4-years	\$297-00-per-month
5-through-8-years	\$312-00-per-month
9-through-11-years	\$333-00-per-month
12-through-20-years	\$365-00-per-month

Maximum-Intensive-Rate

Age-of-Child	Maximum
0-through-11-months	\$453-00-per-month
1-through-4-years	\$461-00-per-month
5-through-8-years	\$478-00-per-month
9-through-11-years	\$499-00-per-month
12-through-20-years	\$529-00-per-month

Maximum--Specialized-Rate--The maximum specialized rate is the specialized foster care rate adjusted to fiscal year 1995 dollars minus \$25-00.

B- Determine-the-Monthly-Adoption-Assistance-Components

1- Determine the basic maintenance floor for the number of children being adopted at this time (from B-below).

2- Determine the basic care standard (also from B-below) for the number of children who will be supported by the family after the adoption is consummated. Subtract 90 percent of the annual family income divided by 12 minus the standard deduction of \$330-00. (Set amount to zero if this component is negative.)

3- Multiply the extraordinary level of care score (eight or above) by \$20-00 for each level of care point.

4- Total amounts in steps 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Basic-Maintenance-Standard

N-of-Children 1 2 3 4 5 6 7 8
 § 102 201 249 319 379 407 438 469

Basic-Care-Standard

N-of-Children 1 2 3 4 5 6 7 8
 § 397 668 873 1132 1366 1529 1682 1845

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Toxic Substances Disclosure to Employees
- 2) Code Citation: 56 Ill. Adm. Code 205
- 3) Section Numbers: Adopted Action:
 205.200 Amended
 205.210 Amended
 205.220 Amended
 205.230 Amended
 205.270 Repealed
 205.Table A Repealed
- 4) Statutory Authority: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 255].
- 5) Effective Date of Rules: July 25, 1997
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these rules contain incorporations by reference?: No
- 8) Date filed in Agency's Principal Office: July 24, 1997
- 9) Notice of Proposal Published in Illinois Register: April 4, 1997 (21 Ill. Reg. 4150)
- 10) Has JC&R issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version:
 1. In lines 6-8, added Subpart A and Section 20 to Table of Contents.
 2. In line 27, corrected Act number.
 3. In line 33, "Amended" made lower case and corrected Source Note.
 4. In line 39, added ILCS citation.
 5. In lines 74, 80-81, 99-100, 103-104, 108-109, 123, 132, 235-236, 254 and 267-268, corrected ILCS conversion from Ill. Rev. Stat. and struck existing Ill. Rev. Stat. citations.
 6. In line 75, added existing period and struck existing Ill. Rev. Stat. citation.
 7. In lines 100, 109 and 125, corrected statutory citation.
 8. In lines 129-130, struck existing Ill. Rev. Stat. citation.
 9. In lines 130-132, underscored text.
 10. In line 132, moved period.
 11. In lines 168, 176 and 247, "Subsection" made lower case.
 12. In line 181, changed "Section" to "Sections".
 13. In lines 188-90, struck all existing text, deleted "49 CRF 172" and inserted "92 Ill. Adm. Code 172.2000".
 14. In line 247, capitalized "section".

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this proposed amendment replace an emergency rule currently in effect?

14) Are there any amendments pending on this Part?: No

15) Summary and purpose of Rulemaking: The rulemaking implements the plain meaning and legislative intent of Public Act 89-696 (effective June 1, 1997). Public Act 89-696 amends the Toxic Substances Disclosure to Employees Act by: (1) incorporating by reference the Occupational Safety and Health rule defining toxic substance, (2) repeals the Department of Labor's duty to establish a list of toxic substances by regulation; and (3) repeals the duty of manufacturers, suppliers, and importers to annually submit Material Safety Data Sheets (hereinafter, "MSDSs") to the Department of Labor, except upon the Director of Labor's request. Employers, manufacturers, importers, and suppliers must still submit an alphabetized list of MSDSs to the Department of Labor on an annual basis.

16) Information and questions regarding these adopted amendments shall be directed to:

Scott D. Miller
Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
(312) 793-1811

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 205

TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES

SUBPART A: GENERAL PROVISIONS

Section
205.20

General Purpose

SUBPART B: REQUIREMENTS

Section

205.200	Definitions
205.210	Employee Rights
205.220	Submission of Information to the Department of Labor
205.230	Labeling
205.240	Posting of Signs
205.250	Training
205.260	Enforcement Hearing Procedures
205.270	Toxic Substances List Additions/Deletions <u>(Repealed)</u>
205.280	Material Safety Data Sheets (MSDS)
205.290	Trade Secret Procedures
205.300	Fire Safety
205.310	Exemptions

APPENDIX A Hazard Warnings (Non-mandatory Guidance)

APPENDIX B Trade Secrets

TABLE A Toxic Substances List (Repealed)

AUTHORITY: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 255].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 3402, effective March 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 7838, effective May 23, 1984; emergency amendments at 8 Ill. Reg. 15628, effective August 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7751, effective October 29, 1984; amended at 11 Ill. Reg. 10247, effective May 18, 1987; amended at 11 Ill. Reg. 14717, effective August 24, 1987; amended at 15 Ill. Reg. 16084, effective October 28, 1991; amended at 21 Ill. Reg. 1133, effective 11/3/93.

SUBPART B: REQUIREMENTS

Section 205.200 Definitions

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

In addition to those definitions found in Section 3 of the Toxic Substances Disclosure to Employees Act [820 ILCS 255] (the Act), the following definitions shall apply for purposes of this Subpart:

"Article" means a manufactured item:

which is formed to a specific shape or design during manufacture; which has end use function(s) dependent in whole or in part upon its shape or design during end use; and which does not release, or otherwise result in exposure to a hazardous chemical under normal conditions or use.

"Authorized person" is a person who has been authorized by the Director to have access to confidential information under control of the Department in accordance with this Part.

"Contractor" means a person, firm, or corporation that provides services to another employer pursuant to an agreement between the other employer and the contractor. Contractors shall be deemed the sole employer of their employees.

"Department" means the Illinois Department of Labor.

"Identity" means any chemical or common name which is indicated on the Material Safety Data Sheet (MSDS) for the chemical. The identity used shall permit cross references to be made between ~~among the required Toxic Substances Disclosure to employees list (Table A-7)~~ the labels and the MSDS.

"Technically qualified individual" means anyone who possesses at least an associate's degree or its equivalent or who possesses a professional license or certificate issued by the State of Illinois for which scientific knowledge or course work in science is required for certification, for example, Wastewater Treatment Class 4 license or Public Water Supply Class D license.

(Source: Amended at 21 Ill. Reg. 10330, effective 10/2/84)

Section 205.210 Employee Rights

a) Illinois Employees have a right to information about toxic substances at their workplaces. The Act specifies a number of ways for this information to be provided to employees by their employers. These are:

1) A poster listing employee rights in an accessible location (iii-

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- Rev--Stat--1985--ch--48--par--i407+. [820 ILCS 255/7]
- 2) Material Safety Data Sheets (MSDS). Copies must be made available to employees, their designated representatives, and their treating health care professional within ten days of a written request except as provided in subsection (b) below (iii- Rev--Stat--1985--ch--48--par--i409(d)7+. [820 ILCS 255/9]
 - 3) Annual training to routinely exposed employees. Transferred employees must be trained prior to beginning their new work assignment which involves routine exposure to a toxic substance (iii-Rev--Stat--1985--ch--48--par--i416). [820 ILCS 255/16]
 - 4) The labeling of containers of toxic substances with the chemical name(s) and appropriate hazard warnings as determined in Section 205.230. Fixed containers within a workplace need not be labeled, but the required information must be available in the employee's work area (iii-Rev--Stat--1985--ch--48--par--i408). [820 ILCS 255/8]
 - b) Employees may refuse to work with a toxic substance ~~on the toxic substances list (Table A-7)~~ if their employer has not supplied a Material Safety Data Sheet after the employee requested it in writing, and if the employer has not made a good faith effort within a time limit as specified in Sections 9(d) and 14(a) of the Act to get the Material Safety Data Sheet from the supplier or manufacturer (iii-Rev--Stat--1985--ch--48--par--i414). [820 ILCS 255/14]
 - c) Employees may not be discharged or otherwise disciplined or discriminated against in any manner by an employer for exercising their rights under the Act (iii-Rev--Stat--1985--ch--48--par--i414(b)7+. [820 ILCS 255/14]
 - d) If an employee(s) believes that he/she has been denied his/her rights under the Act, the employee (or his/her representative) may file a complaint with the Illinois Department of Labor within 180 days of such denial (iii-Rev--Stat--1985--ch--48--par--i414(b)7+. [820 ILCS 255/14]
 - e) Employees may petition the Department to make additions to the toxic substances list (Table A-7) (iii-Rev--Stat--1985--ch--48--par--i404) The Department will consider any such requests annually at a public hearing pursuant to Section 205.270.

(Source: Amended at 21 Ill. Reg. 10330, effective 10/2/84)

Section 205.220 Submission of Information to the Department of Labor

a) By June 30, 1984, and annually thereafter, every employer shall submit to the Director of the Department of Labor an alphabetized list of substances, compounds, or mixtures for which the employer has acquired after January 1, 1984, a Material Safety Data Sheet (MSDS). [820 ILCS 255/5] This pertains to all MSDS's acquired whether they are on the Toxic Substances list (Table A-7) or not (iii-Rev--Stat--1985--ch--48-

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- par-1405(a)-
b) By June 30, 1984, and annually thereafter, manufacturers, importers or suppliers of substances, compounds, or mixtures, must, in addition to the alphabetized list required in subsection (a) above, submit a list of MSDSs for every product it produces, imports, or supplies every MSBS-which-they-have-complied-or-acquired-after-January-17-1984, till-Rev-Stat-1985-chr-40-par-1405(b)-. The manufacturer, importer, or supplier shall make a copy of any MSDS on the list immediately available, but only upon the request of the Director. [820 ILCS 255/5] if-the-importer-or-supplier-states-on-their-alphabetical-list--that-the-manufacturer-or-their-supplier-of-a-substance-compound-or-mixture-has-submitted-an-MSBS-for-those-materials-provided-that nothing-in-this-rule-shall-prevent-the-Director-from-requiring-the-submission-of-MSBSs-from-an-individual-importer-or-supplier-if-the-Director-deems-such-submission-necessary.
- c) The employer, manufacturer, importer, or supplier need not submit a MSDS or add to the alphabetized list for the following:
- 1) Any substance, compound, or mixture which they do not use, store, produce, or sell.
 - 2) Any substance, compound, or mixture which appears on the initial or any subsequent toxic substance list as filed with the Secretary of State, if the employer, manufacturer, importer or supplier has previously submitted a MSDS or provided the name of such substance unless the employer, manufacturer, importer, or supplier has compiled or acquired new and significant information regarding hazards of a toxic substance.
 - 3) Any-substance-compound-or-mixture-previously-but-not-currently included-in-Table-A-

- d) For purposes of compiling the alphabetized list, the employer, manufacturer, supplier, or importer may use the manufacturer's product or chemical name given to the substance as found on the MSDS.
- e) It will be acceptable for the MSDS for toxic substances received before January 1, 1984, to be submitted to fulfill the requirements of Sections 5 and 9 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 205.230 Labeling

- a) Except as provided for in subsection Subsection (e) below, upon the effective date of these rules, each container of the toxic substances or mixture containing toxic substances in the workplace must display a label which conforms with Sections 8, 11 and 12 of the Act.
- b) If an employer Employer has received an unlabeled container of toxic substances, the employer must label the container or must request a label in writing from the manufacturer, importer, or supplier.
- c) If the selling manufacturer, importer, or supplier fails to provide

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- the employer with a label within 30 days in accordance with Section 11(a) of the Act, the employer may file a complaint in accordance with Section 17(a) of the Act.
- d) By taking action as described in subsection Subsection (c) above, the employer shall be deemed to have made a good faith effort to obtain a label for purposes of Sections 11(a) and 17 of the Act.
- e) Upon the effective date of these rules, each supplier, importer, or manufacturer who sells any toxic substance within the State of Illinois must label each container pursuant to Sections 8, 11 and 12 of the Act.
- f) Manufacturers, suppliers, or importers shall ensure that each container of toxic substances leaving the workplace is labeled, tagged or marked in accordance with the Act in a manner which does not preclude compliance with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq. (1970)) and regulations issued under the Act by the U.S. Department of Transportation-entitled Hazardous-Materials-Transportation-Regulations (49 Ill. Adm. Code Code 172.2000 92-III-Adm-Code-172-488).
- g) When labeled in accordance with federal requirements, the following substances shall be exempt only from the labeling provisions of the Act.

- 1) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq. (1970)), with no further amendments included, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency (40 CFR 167 (1983)).
- 2) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such product (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq. (1970)), with no further amendments included, and regulations issued under that Act by the Food and Drug Administration (21 CFR 7 (1984)).
- 3) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq. (1958)), with no further amendments included, and regulations issued under that Act, when subject to the labeling regulations issued under the Act by the Bureau of Alcohol, Tobacco, and Firearms (27 CFR 5 (1984)).
- 4) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq. (1970)) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq. (1970)), respectively, with no further amendments included, when labeled according to the requirements of those Acts or regulations issued under those Acts by the Consumer Product Safety Commission (26 CFR 1101 (1984)) (16 CFR 1500

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(1984)).

h) Except as provided in subsections (i) and (j), the employer shall ensure that each container of toxic substances in the workplace is labeled, tagged, or marked with the following information:

1) Chemical name or identity of the toxic substance(s) contained therein. However, an employer may provide the information required with respect to an entire mixture, considered as a whole instead of with respect to each toxic substance contained in such mixture, provided that: toxicity testing information exists on the entire mixture or adequate information exists to form a valid judgement of the hazardous properties of the entire mixture, and provision of information on the entire mixture will be as effective in protecting employee health as the provision of information on each toxic substance contained in the mixture (111-Rev-Stat-1985-48-par-1408-1412, [820 ILCS 255/8 and 12].

2) Appropriate hazard warnings (see Appendix A for nonmandatory guidance). The appropriate hazard warnings for carcinogens shown as Source-37, as defined in Table-A7 shall include a cancer warning.

i) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to fixed containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (h) of this Section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

j) The employer is not required to label portable containers (ten gallons or less in volume) into which toxic substances are transferred from labeled containers, and which are intended only for use by the employee who performs the transfer during his/her shift (111-Rev-Stat-1985-48-par-1408). [820 ILCS 255/8]

k) Employers or employees shall not remove or deface existing labels on incoming containers of toxic substances unless the container is immediately relabeled with the required information.

l) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

m) The manufacturer, importer, supplier, or employer need not affix new labels to comply with this Section if existing labels already convey the required information (111-Rev-Stat-1985-48-par-1408). [820 ILCS 255/8]

n) Construction employers shall ensure that toxic substances, which they handle, store, receive, or bring to the construction workplace, are

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labeled.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 205.270 Toxic Substance List Additions/Deletions (Repealed)

- a) The Director shall publish in the Illinois Register the notices of a hearing to receive petitions and testimony regarding the adding of or deleting substances from the toxic substances list. The notice shall be at least 90 days in advance of the hearing described in Section (c) (111-Rev-Stat-1985-48-par-1404, as amended by P.A. 84-1320 effective September 4, 1986.)
- b) The Director shall publish in the Illinois Register a list of substances described as being toxic in Section 3(m) of the Act (111-Rev-Stat-1985-48-par-1403). This publication shall be at least 90 days in advance of the hearing described in subsection (c) (111-Rev-Stat-1986-48-par-1404, as amended by P.A. 84-1320 effective September 4, 1986.)
- c) The Director shall annually hold a hearing to consider additions to and deletions from the toxic substances list (111-Rev-Stat-1985-48-par-1404, as amended by P.A. 84-1320, effective September 4, 1986.)
- d) An employer, employee, or employee representative may petition the Director to add, delete, and modify a substance or footnote to the list of toxic substances (111-Rev-Stat-1985-48-par-1404). At the hearing, the Director or the Director's representative shall hear testimony and take documentary evidence concerning the addition of substances or deletion of substances from the toxic substances list (111-Rev-Stat-1985-48-par-1404, as amended by P.A. 84-1320 effective September 4, 1986.)
- f) The Director shall take all testimony and evidence into consideration. If the Director determines, based on personal knowledge and staff recommendations relevant to current scientific literature, that a substance poses a significant risk to human health when used in the workplace, the Director shall add the substance to the toxic substances list. Otherwise, the substance shall not be added. If the Director determines, based on personal knowledge and staff recommendations relevant to current scientific literature, that a substance does not pose any significant risk to human health when used in the workplace, the Director shall delete the substance from the list. If the Director's representative hears all testimony and evidence, a written transcript of the hearing shall be provided to the Director (111-Rev-Stat-1985-48-par-1404, as amended by P.A. 84-1320, effective September 4, 1986.)
- g) Whenever the Director adds substances or deletes substances from the list, the Director shall, within 30 days of making such additions or deletions, publish in the Illinois Register, pursuant to Section 5.01

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of the Illinois Administrative Procedures Act, the names of all substances added to or deleted from the toxic substances list as well as the names of all substances defined as toxic substances in Section 3(m) of the Act (Ill. Rev. Stat. 1905, ch. 48, par. 1404, as amended by P.A. 84-1307, effective September 4, 1986):

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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Section 205. TABLE A Toxic Substances List (Repealed)

Name	Note**1	Source**2
Acenaphthene		2
Acetaldehyde		174
Acetic acid	1	174
Acetic anhydride		174
Acetone		174
Acetone cyanohydrin		2
Acetonitrile		174
Acetyl bromide		2
Acetyl chloride		2
2-Acetylaminofluorene		174
Acetylene		174
Acetylene dichloride		174
Acetylene tetrabromide		174
Acetylene tetrachloride		174
Acetylsalicylic acid		174
Acrolein		174
Acrylamide		174
Acrylic acid		174
Acrylonitrile		174
Actinomycin D		174
Adriamycin		174
Aflatoxin B1		174
Aldicarb		174
Aldrin		174
Allyl alcohol		174
Allyl chloride		174
Allyl glycidyl ether		174
Allyl propyl disulfide		174
Alpha-Alumina		174
Aluminum		174
Aluminum alkyls		174
Aluminum oxide		174
Aluminum phosphide		174
Aluminum pyro-phosphates		174
Aluminum soluble salts		174
1-Amino-2-methylanthraquinone		174
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole		174
2-Aminoanthraquinone		174
o-Aminozotoluene		174
4-Aminodiphenyl		174
2-Aminoethanol		174
2-Aminopyridine		174
4-Aminopyridine		174
Amitrole		174

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Name	Note**1	Source**2
Ammonia		174
Ammonium-bisulfite		2

1**See-Note-at-end-of-this-list		
2**See-Note-at-end-of-this-list		
Ammonium-carbamate		5
Ammonium-chloride-vapor		174
Ammonium-fluoborate		2
Ammonium-hydroxide	24	2
Ammonium-oxide		2
Ammonium-perfluorooctanoate		4
Ammonium-silicofluoride		4
Ammonium-sulfamate-(Ammatet)		174
Ammonium-sulfide		2
Ammonium-sulfite		2
Ammonium-thiocyanate		2
Ammonium-thiosulfate		2
Anyi-acetate,-all-isomers		17274
Analgesic-mixtures-containing-phenacetin		3a
Aniline		174
o-Anisidine		173a74
o-Anisidine-hydrochloride		3a
p-Anisidine		174
Antimony	3	174
Antimony compounds	4	174
ANW-(alpha-naphthyl)-thiourea		
Aramite-(2--(tert)-Butylpheno--xyisopropyl-3--chloroethylsulfite)		3a
Argon		4
Arsenic-and-arsenic-compounds	27	173a73b74
Arsenic-compounds-(organic)		174
Arsine		174
Asbestos		174
Asphalt-(petroleum)-vapor	5	173a73b74
Atrazine	6	274
Auramine		17274
Azaserine		3a73b
Azathioprine		3b
Azinphos-methyl		3a
Barium-soluble-compounds		174
Barium-sulfate	2	174
Beronyl		174
Benz-(a)-anthracene		3a73b
Benzene		173a73b74
Benzidine-(and-its-salts)		173a73b74

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Name	Note**1	Source**2
Benzof(a)-pyrene		173a73b74
Benzo(b)-fluoranthene		3a73b
Benzo(f)-fluoranthene		3a
Benzo(k)-fluoranthene		3a
Benzoic-acid		2
Benzonitrile	7	2
p-Benzquinone		174
Benzotrichloride		3a73b
Benzoyl-chloride		2
Benzoyl-peroxide		174
Benzyl-chloride		174
Benzyl-violet-4B		3b
Beryllium-and-Beryllium-compounds		173a73b74
Biphenyl		174
Bis(chloroethyl)-nitrosourea		3a73b
Bis(chloromethyl)ether(BEMBE)		173a73b74
N7N-Bis(2-chloroethyl)-2-naphthylamine		3a73b
171-Bis-(p-chlorophenyl)-2722-trichloroethanol-(dicofo17)		5
Bis(dimethylthiocarbamoyl)-disulfide		2
Bismuth-telluride		174
Borates7-tetra7-sodium-salts		17274
Boron-oxide	8	174
Boron-tribromide		174
Boron-trifluoride		174
Bromacil		174
Bromine		174
Bromine-pentafluoride		174
Bromodichloromethane		174
Bromoform		4
Bromotrifluoromethane-(PG-13B17)		174
173-Butadiene		173a74
Butane		174
174-Butanediol-dimethylsulfonate-(myleran7)		3a
Butanethiol		174
2-Butanone		174
2-Butoxy-ethanol		174
n-Butyl-acetate		174
sec-Butyl-acetate		174
tert-Butyl-acetate		174
Butyl-acrylate		17274
n-Butyl-alcohol		174
sec-Butyl-alcohol		174
tert-Butyl-alcohol		174
4-tert-Butyl-2-chlorophenyl-methyl-methylphosphonamide		5
tert-Butyl-Chromate		174
n-Butyl-glycidyl-ether-(BSB7)	10	174
n-Butyl-lactate		17274

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Name	Note**1	Source**2
Coal-----tar-----pitch-----volatiles-----{Benzene-----soluble fraction}-----anthracene-----BAP-----phenanthrene,-----acridine		
chrysene-7-pyrene	9	174
Cobalt	3	174
Cobalt-carbonyl		174
Cobalt-hydrocarbonyl		174
Cobaltous-bromide		174
Cobaltous-formate	2	2
Cobaltous-sulfamate	2	2
Coke-oven-emissions		173a
Copper		172
Copper-compounds	3	2
Copper-dusts-and-mists	36	174
Copper-fume		174
Cotton-dust-(raw)	22	174
Coumaphos		2
Crag-herbicide		1
p-Cresidine		3a73b
Cresol-4,4'-isomers		174
Eristobalite		174
crotonaldehyde		174
Crufomate		174
Cumene		174
Eupferron		3a
Cyanamide		17274
Cyanide		174
Cyanides,--inorganic--salts		17274
Cyanogen		17475
Cyanogen-chloride		3a73b
Cycasin		174
Cyclohexane		174
Cyclohexanol		174
Cyclohexanone		174
Cyclohexene		174
Cycloheximide		5
Cyclohexylamine		17475
Cyclonite-(RBK)		174
Cyclopentadiene		174
Cyclopentane		174
Cyclophosphamide		3a73b
Cyclotrimethylenetrinitramine-(Cyclonite-(RBK)		174
Cyhexatin		174
Baccharazine		3a73b
Banomycin		3b
274-B-(274-Dichlorophenoxyacetic-acid)		174
274-B-ester-(274-Dichlorophenoxyacetic-acid-ester)		2
274-BB-(274-Dichlorophenoxybutyric-acid)		5

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Name	Note**1	Source**2
274-BP-(274-Dichlorophenoxypropionic-acid)		2
BBP		173a73b74
BBVP		1
Becaborane		174
Bemeton		174
Biacetone-alcohol-(4-Hydroxy-4-methyl-2-pentanone)		174
N,N-Biacetylbenzidine		3b
Bieiifer		5
274-Diaminoanisole-sulfate		3a73b
474-Diaminodiphenyl-ether		3b
172-Diaminoethane		174
274-Diaminotoluene		3a73b
Biatomaceous-earth		4
Biazinon		174
Biazomethane		174
Bibenz(a,h)acridine		3a73b
Bibenz(a,h)acridine		3a73b
Bibenz(a,h)anthracene		3a73b
7H-Bibenzof(c,g)carbazole		3a73b
Bibenzof(e)pyrene		3a73b
Bibenzof(a,h)pyrene		3a73b
Bibenzof(a,i)pyrene		3a73b
Bibenzo-(a,i)-pyrene		3a73b
Bibenzoyl-peroxide		3a
Biborane		5
172-Dibromo-3-chloropropane-(BBBP)		174
Bibromodifluoromethane		173a73b
172-Dibromoethane-(BBB)		3a
Bibutyl-phosphate		3a74
2-(Bibutylamino)ethanol		173a74
2-N-Bibutylaminoethanol		173a74
276-Bi-tert-butyl-p-cresol-(BBTP)		4
Bibutylphthalate		4
Bicamba		174
Bichlobenit		3a
Bichlone		3a
Bichloroacetylene		17475
o-Dichlorobenzene		174
p-Dichlorobenzene		174
p-3,1-Dichlorobenzidine		173a74
Bichlorobenzidine-(and its salts)		173a74
171-Bichloro-272-bis(p-chlorophenyl)-ethylene		3a73b
373-Bichloro-474-diaminodiphenyl-ether		5
Bichlorodifluoromethane-(PC-12)		3b
173-Bichloro-575-dimethyl-hydantoin		174
171-Bichloroethane		173a74
172-Bichloroethane		173a74

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Name	Note**1	Source**2
Bisron		17374
Bivinyi-benzene		174
Bodecylbenzenesulfonic-acid	9	2
BDVA		2
Emery		174
Endosulfan	95	174
Endrin		174
Enflurane		4
Epichlorohydrin	12	173673b74
EPN		174
173-Epoxypropane		174
273-Epoxy-1-propenol		174
Estrogens-(conjugated)		174
Estrogen-(not-conjugated)-Estradiol-17B7-Estrone7	3a	3a
-Ethinyloestradiol7-and-Mestranol7		3b
Estrone		4
Ethane		174
Ethanethiol		174
Ethanotamine		174
Ethinylloestradiol		3b
Ethion		17274
2-Ethoxyethanol		174
Ethoxyethylacetate		174
Ethyl-acetate		174
Ethyl-acrylate		174
Ethyl-alcohol	11	173674
Ethyl-sec-amyl-ketone		174
Ethyl-bromide		174
Ethyl-butyl-ketone		174
Ethyl-chloride		174
Ethyl-ether		174
Ethyl-formate		174
Ethyl-mercaptopan		174
Ethyl-methanesulfonate		3b
Ethyl-3-methyl-4-(methylthio)-phenyl		2
--(1-methylethyl)-phosphoramidate		5
Ethyl-parathion		174
Ethyl-silicate		5
O-Ethyl-57S-dipropyl-phosphorodithioate-(ethoprop)		174
Ethylamine		174
Ethylbenzene		174
Ethylene		4
Ethylene-chlorohydrin		174
Ethylene-dibromide		173b74
Ethylene-dichloride		173b74
Ethylene-glycol		17274
Ethylene-glycol-dinitrate		174

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Name	Note**1	Source**2
Ethylene-glycol-methyl-ether-acetate		4
Ethylene-glycol-monoethyl-ether		2
Ethylene-glycol-monoethyl-ether		1
Ethylene-glycol-monomethyl-ether-acetate		1
Ethylene-oxide		173673b74
Ethylenediamine		174
Ethylenimine		174
Ethylenethiourea		3a73b
Ethylidene-norbornene		17274
N-Ethylmorpholine		174
Penamiphos		4
Pensulfithion		174
Penthion		174
Perbam		174
Perrivanadium-dust	3	174
Fluoroacetamide71001		5
Fluoranthene		5
Fluoride7-and-inorganic-fluoride-compounds		174
Fluorine		174
Fluorotrifluoromethane-(trichlorofluoromethane)-(FC-117)		17274
Fonofos		17274
Formaldehyde		17274
Formamide		174
Formic-acid		17274
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)-thiazole		174
Fumaric-acid		3b
Furfural	13	2
Furfuryl-alcohol		174
Gasoline		174
Germanium-tetrahydride	12	17273b74
Glass7-fibrous-or-dust		174
Glasswool		3b
Glutaraldehyde		17274
Glycerin-mist		174
Glycidaldehyde		174
Glycidol		3b
Glycol-monoethyl-ether	35	174
Grain-dust-(oats7-wheat7-barley7)	10	174
Graphite		174
Guthion	13	174
Gypsum		1
Hafnium	35	174
Haloothers-(other-than-those-listed-elsewhere7--includes		174
--chlorophenylphenyl-ethers--bromophenylphenyl		174
--ether-bis-(dichloroisopropyl)-ether7		1
--bis (chloroethoxy)-methane-and		174
--polychlorinated-diphenyl-ethers7		174

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Name	Note**1	Source**2
Merphatan		3b
Mesityl-oxide		174
Mestranol		3b
Methacrylic-acid		174
Methane		4
Methanethiol		174
Methomyl		174
Methoxsalen-(with-ultra-violet-therapy)-(PUVA)		3a73b
Methoxychlor		174
2-Methoxyethanol		174
2-Methoxyethyl-acetate		4
4-Methoxyphenol		174
Methyl-acetate		174
Methyl-acetylene		174
Methyl-acetylene-propadiene-mixture-(MAPP)		174
Methyl-acrylate		174
Methyl-alcohol		174
Methyl-amyi-alcohol		174
Methyl-n-amyi-ketone		174
Methyl-bromide		174
Methyl-butyl-ketone		174
Methyl-cellulose		174
Methyl-cellulose-acetate		174
Methyl-chloride		174
Methyl-chloroform		174
Methyl-chloromethyl-ether		174
Methyl-2-cyanoacrylate		174
Methyl-demeton		174
Methyl-ethyl-ketone		174
Methyl-ethyl-ketone-peroxide		172
Methyl-formate		174
Methyl-hydrazine		174
Methyl-iodide		17274
Methyl-isoamyi-ketone		173b74
Methyl-isobutyl-carbinol		17374
Methyl-isobutyl-ketone		174
Methyl-isocyanate		174
Methyl-isopropyl-ketone		174
Methyl-mercaptopan		174
Methyl-methacrylate		174
Methyl-methanesulfonate		3b
S-Methyl-N-(methylicarbamoyl)-oxythioacetamidate(methonyl)		2
N-Methyl-N-(nitro-N-nitrosoguanidine)		3b
2-Methyl-1-nitroanthraquinone		3b
Methyl-parathion		174
Methyl-propyl-ketone		174
Methyl-silicate		174

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Name	Note**1	Source**2
alpha-Methyacrylonitrile		174
Methylal		174
Methylamine		174
N-Methylaniline-(Monomethylaniline)		4
O-Methylaniline		5
2-Methylaziridine-(propyleneimine)		3a73b
Methylazoxymethanol		3b
5-Methylchrysene		3b
Methylcyclohexane		174
Methylcyclohexanol-all-isomers		174
O-Methylcyclohexanone		174
2-Methylcyclopentadienyl-manganese-tricarbonyl		174
4-4'-Methylene-bis-(2-chloroaniline)-(MGEA)-(MGEA)		174
Methylene-bis-(4-cyclohexylisocyanate)		174
4-4'-Methylene-bis-(2-methylaniline)		174
4-4'-Methylenedianiline-and-its-Bihydrochloride		174
4-4'-Methylene-bis(4-phenyl-isocyanate)		174
4-4'-Methylene-bis(n7n-dimethyl)benzenamine		3a
Methylene-chloride		174
alpha-Methylstyrene		174
Methylthiourea		174
Metribuzin		174
Metronidazole		3b
Mevinphos		174
Mexacarbate		3a73b
Mica		4
Michler's-ketone		4
Mineral-wool-fiber		174
Mirex		3a
Mitomycin-C		174
Molybdenum		3b
Molybdenum-compounds		3b
Monocrotaline		174
Monocrotaphos		174
Monomethylaniline		174
Monomethylhydrazine		174
Morpholine		174
5---(Morpholinomethyl)---3---5---		174
---(nitrofururylidene)---amino---2---oxazolidinone		3b
Mustard-gas		3a73b
Nafenopin		3b
Naled		4
Naphthal-coal-tar		174
Naphthalene		174
Naphthalene-diisocyanate		5
Naphthene-Acid		2

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
alpha-Naphthylamine	175	
beta-Naphthylamine	173a73b74	
1-(1-Naphthyl)-2-thiourea	2	
Neon	4	
Nickel	173a73b74	
Nickel-carbonyl	174	
Nickel-compounds	173a73b	
Nicotine	174	
Niridazole	3b	
Nitrazolin	4	
Nitric-acid	174	
Nitric-oxide	174	
Nitrotri-acetic-acid	3a	
5-Nitroscenaphthene	3b	
P-Nitroaniline	174	
Nitrobenzene	174	
P-Nitrochlorobenzene	174	
O-Nitrochrysine	3b	
4-Nitrodiphenyl	174	
Nitroethane	174	
Nitrofen	26	
2-Nitrofluorine	17475	
1-(5-Nitrofurfurylidene)amino-2-imidazolidinone	174	
N-4-(5-Nitro-2-furyl)-2-thiazolyl-acetamide	3a	
Nitrogen	174	
Nitrogen-dioxide	3a	
Nitrogen-mustard	3b	
Nitrogen-mustard and-its-hydrochloride	3b	
Nitrogen-mustard-N-oxide-and-its-hydrochloride	174	
Nitrogen-trifluoride	174	
Nitroglycerin	174	
Nitromethane	3a	
5-Nitro-O-ansidine	2	
Nitrophenols,-all-isomers	174	
1-Nitropropane	173a74	
2-Nitropropane	173b	
Nitropropanes	3b	
1-Nitropyrene	3b	
4-Nitropyrene	3a73b	
N-Nitroso-n-butylamine	3a73b	
N-Nitrosodietylamine	3a73b	
N-Nitrosodimethylamine	173a73b74	
P-Nitrosodiphenylamine	3a	
N-Nitrosodi-n-propylamine	3a73b	
N-Nitroso-N-ethylurea	3a73b	
N-Nitrosomethylethylamine	3b	

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
N-Nitroso-N-methylurea		3a73b
N-Nitroso-N-methylurethane		3b
N-Nitrosomethylvinylamine		3a73b
N-Nitrosomorpholine		3a73b
N-Nitrosomorpholine		3a73b
N-Nitrosomorpholine		3a73b
N-Nitrosopiperidine		3a73b
N-Nitrosopyrrolidine		3a73b
N-Nitrososarcosine		3a73b
Nitroethene		174
Nitroethylchloromethane		174
Nitrous-oxide		274
Nonane		172-74
Norethisterone		3a73b
Norethisterone-acetate		3b
Nuisance-dust		174
Octachloronaphthalene		174
Octane		174
Oil-mist,-mineral		174
Oil-orange-SS		3b
Organo-(alkyl)-mercury		1
Osmium-tetroxide		174
Oxalic-acid		174
4-4'-Oxydianiline		3a
Oxygen-difluoride		174
Oxymethotone		3a73b
Ozone	17	174
Paraffin-wax-fume		4
Paraformaldehyde		174
Paraquat		174
Parathion		174
Pentaborane		174
Pentachloronaphthalene		174
Pentachlorophenol		174
Pentacetylthritol		174
Pentane		174
2-Pentanone		174
Perchloroethylene		174
Perchloromethyl-mercaptan		174
Perchloryl-fluoride		174
Perlite		35
Petroleum-distillates-(naphthal)		173b74
Phenacetin		3a73b
Phenazopyridine-hydrochloride		3a73b
Phenazopyridine		3a
Phenol		174
Phenothiazine		174
Phenoxybenzamine-and-its-hydrochloride		3b

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
p-Phenylenediamine		174
N-Phenyl-beta-naphthylamine		4
Phenyl-ether-vapor		174
Phenyl-ether-biphenyl-mixture		1
Phenyl-ether-diphenyl-(eutectic-mixture)-vapor		2
Phenylstyrene		174
Phenylglycidylether	10	174
Phenylhydrazine		174
Phenyl-mercaptan		174
Phenylphosphine		174
Phenyltin-and-sodium-salt		3a
Phorate		174
Phosdrin		174
Phosgene		174
Phosacetim		5
Phosphamidon		5
Phosphine		174
Phosphoric-acid		174
Phosphorus		174
Phosphorous-(yellow)		174
Phosphorous-oxychloride		174
Phosphorous-pentachloride		174
Phosphorous-pentasuifide		174
Phosphorous-trichloride		174
Phthalate-esters	33	174
Phthalic-anhydride		174
m-Phthalatedinitrile		174
Picloram		174
Picric-acid		174
Piperazine-dihydrochloride		174
2-Pivalyl-173-indandione-(pindone)-stval		174
Plaster-of-Paris	35	174
Platinum		4
Platinum-soluble-salts		1
Polybrominated-biphenyls-(pBBs)		3a
Polychlorobiphenyls-(PCBs)		3a
Polyuclear-aromatic-hydrocarbons	10	3b
Polytetrafluoroethylene-decomposition-products		475
Ponceau-MK		3b
Ponceau-3R		3b
Portland-cement		174
Potassium-hydroxide		174
Potassium-permanganate		174
Procarbazine-hydrochloride		3a
Progesterone		3a
Propane		174
173-Propane-suitone	12	3a

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
Propanil		5
Propargyl-alcohol		174
beta-Propiolactone		174
Propionic-acid		174
Propionic-anhydride		2
Propoxur		174
n-Propyl-acetate		174
Propyl-alcohol		174
n-Propyl-nitrate		174
Propylene		274
Propylene-dichloride		174
Propylene-glycol-dinitrate		174
Propylene-glycol-monomethyl-ether		174
Propyleneimine		174
Propylene-oxide		174
Propylthiouracil	10	3a
Propyne		174
Pyrethrins		2
Pyrethrum		174
Pyridine		174
Quartz		4
Quinoline		174
Quinone		2
Radon-and-decay-products		174
Reserpine-(many-pharmaceutical-names)		3b
Residual-fuel-oil		3a
Resorcinol		3b
Rhodium		174
Rhodium-soluble-salts		174
Rockwool		3b
Ronnei		174
Rosin-core-solder-pyrolysis-products-as-formaldehyde	19	174
Rotenone-commercial		174
Rouge	35	174
Rubber-solvent-(naphtha)		174
Saccharin		174
Safrole		3a
Schradan		3a
Selenium-and-selenium-compounds		2
Selenium-hexafluoride		174
Selenium-sulfide		174
Sesone		4
Silane		274
Silica		174
Silicates		1
Silicon		174
Silicon-carbide	35	174

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
Silicon-tetrahydride		174
Silver	3	174
Silver-compounds	21	174
Slag-wool		3b
Soapstone	13	174
Sodium		2
Sodium-arside		1724
Sodium-bisulfite		1724
Sodium-2-(2,4-dichlorophenoxy)-ethyl-sulfate		475
Sodium-dodecylbenzenesulfonate	15	5
Sodium-fluoroacetate		174
Sodium-hydroxide		2
Sodium-hydroxide		174
Sodium-hypochlorite		2
Sodium-metabisulfite		174
Sodium-methylate		2
Sodium-nitrite		2
Soots-and-tars		3b
Starch	35	174
Stearates		4
Sterigmatocystin		3b
Sibine		174
Stoddard-solvent		174
Streptozotocin		3a,3b
Strychnine		174
Styrene-monomer		174
Subtilisins-(proteolytic-enzymes)		174,175
Sucrose	35	174
Sulfalate		3a
Sulfatepp		4
Sulfur-dioxide		174
Sulfur-hexafluoride		174
Sulfur-monochloride		174
Sulfur-pentafluoride		174
Sulfur-tetrafluoride		174
Sulfuric-acid		174
Sulfuryl-fluoride		174
Sulprofos		174
Systox	13	174
Talc		174
Tantalum	3	174
Tantalum-oxide	3	274
TBB		5
TBBP		174
Tellurium		174
Tellurium-compounds	3	174
Tellurium-hexafluoride		174

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Name	Note**1	Source**2
Wemephos		174
WPP		174
Terphenyls		174
Tetosterone-and-its-esters		3b
2,3,7,8-Tetrachlorodibenzo-p-dioxin-(TCDD)		3a,3b
1,1,1,2-Tetrachloro-2,2-difluoroethane		174
1,1,2,2-Tetrachloro-1,2-difluoroethane-(P-112)		174
1,1,2,2-Tetrachloroethane		174
1,1,2,2-Tetrachloroethane		174
Tetrachloroethylene		174
Tetrachloronaphthalene		174
Tetraethyl-dithionopyrophosphate		1
Tetraethyl-lead		174
Tetraethyl-pyrophosphate		5
Tetrahydrofuran		17274
Tetramethyl-Gro-1-thio-di-p-phenylene-phosphorothioate		
--1-(tamephos)		475
Tetramethyl-lead		174
Tetramethyl-succinonitrile-(decomposition-of		
--2,2'-azo-bisobutyronitrile)		174
Tetranitromethane		174
Tetrasodium-pyrophosphate		174
Thetyl-(2,4,6-trinitrophenylmethylmethylamine)	3	174
Thallium		174
Thallium-compounds		174
Thioacetamide		3a,3b
4,4'-Thiobis-(6-tert-butyl-m-cresol)		174
4,4'-Thiodianiline		3b
Thioglycolic-acid		17274
Thionyl-chloride		174
Thiourea		3a,3b
Thiram		174
Thorium-dioxide		3a
Tin		4
Tin-compounds		174
Tin-oxides		1
Titanium-dioxide	13	174
o-Tolidine		4
Toluene		174
Toluene-diisocyanate		174
m-Toluidine		174
o-Toluidine		174
o-Toluidine-hydrochloride		174
p-Toluidine		3a
Toxaphene		174
Tremolite		174
Tributyl-phosphate		174
S,S'-Tributyl-phosphorotriphosphate		5

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
575-S-Tributyl-phosphoro-trithioate		5
Trichlorfon		2
Trichloroacetic-acid		174
1724-Trichlorobenzene		174
1711-Trichloroethane		174
1712-Trichloroethane		174
Trichloroethylene		174
Trichlorofluoromethane		4
Trichloronaphthalene		174
Trichlorophenols		3b
2746-Trichlorophenol		3a
2745-P-(2745-Trichlorophenoxy)acetic-acid†		174
2745-P-est-ers-(2745-Trichlorophenoxy)acetic-esters†		5
2745-P--saits-(acetic-acid-2745-Trichlorophenoxy--sodium salt†)		5
2745-PP-acid-(propanoic-acid-2-(2,4,5-Trichlorophenoxy)†		5
2745-PP-ester-(propanoic-acid-2-(2,4,5-Trichlorophenoxy)†		5
--isoctyl-ester		5
1723-Trichloropropane		174
1712-Trichloro-1722-trifluoroethane-(PE-113†)		174
1711-Trichloro-272-bis-(p-chlorophenyl)-ethane		2
Tridymite		174
Triethanolamine-dodecylbenzenesulfonate	15	5
Triethylamine		17274
Trifluorobromomethane		4
Trifluoromonobromomethane		1
Trimeitic-anhydride		174
Trimethyl-phosphite		174
Trimethylamine		17475
Trimethylbenzene--all-isomers		174
2746-Trinitrophenol†		174
2746-Trinitrophenylmethylnitramine		174
Tri-ortho-cresyl-phosphate		174
2746-Trinitrotoluene		174
Triphenyl-amine		174
Triphenyl-phosphate		174
Trippol†		4
Tris-(1-aziridinyl)phosphine-sulfide		3a73b
Tris-(273-dibromopropyl)-phosphate		3a73b
Trypafl-blue		3b
Tungsten	3	17274
Tungsten-compounds		274
Turpentine		174
Untreated-and-midly-treated-mineral-oils	32	3b
Uracil-mustard		3b
Uranium	3	174

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NOTICE OF ADOPTED AMENDMENTS

Name	Note**1	Source**2
Uranium-compounds		174
Urethane		3a73b
VM62-Naptha-(Varnish-Makers-&-Painters†)		172-4
Valeraldehyde		17274
Vanadium		174
Vanadium-pentoxide		1
Vanadyl-sulfate	3	2
Vegetable-oil-mists		174
Vinyl-acetate		174
Vinyl-benzene		17274
Vinyl-bromide		174
Vinyl-chloride		17274
Vinyl-cyanide		173a73b74
Vinyl-cyclohexene-dioxide		174
Vinylidene-chloride		17574
Vinyl-toluene		17475
Warfarin		174
Welding-fumes		174
Wood-dust		174
Xylene--all-isomers		174
m-Xylene-alpha-1-diamine		174
Xylenol		17574
Xylydine		2
Xytrium		174
Yttrium-compounds		2
Zinc	3	2
Zinc-compounds	23-34	2
Zinc-chloride-fume		174
Zinc-chromates		174
Zinc-oxide-fume-and-dust		174
Zinc-stearate-dust		1
Zirconium		4
Zirconium-compounds		174

NOTES

- 1- Refers-to-solutions-greater-than-or-equal-to-10--per-cent.---Exempt--when present--in--food--or--beverages,--such-as-vinegar-apple-cider-and-wine-regardles-of-concentration
- 2- Refers-to-water-soluble-salts-only--all-other-salts-are-exempt
- 3- A-Material--Safety--Data--Sheet--must--be--provided--under--the--following circumstances:
- a- The-metal-is-supplied-as-a-fine-powder.
- b- The-metal-is-in-welding-or-brazing-rods.
- c- The-metal-may-be-melted-with-the-generation-of-toxic-fume.
- d- Under--normal-user-toxic-dust-or-fume-is-likely-to-be-generated-by-any manufacturing-or-construction-process.

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NOTICE OF ADOPTED AMENDMENTS

- 4- Exempt-when-in-bonded-form-or-when-antimony-compounds-cannot-be-released due-to-cutting-grinding-heating-etc.
- 5- Exempt:
- a- Exterior--and--interior--coatings--and--laminating--resins--containing encapsulated-asestes-fibers-with-such-products.
- b- Cold-process-asphalt-roof-coatings.
- c- Nonfrable-encapsulated-products-such-as-floor-tiles.
- 6- Any-liquids--and--products--that--could--give-rise-to-asphalt-fume-under normal-conditions-are-included:-Mechanical-breakup-of--hardened--asphalt surfaces-is-exempt.
- 7- Exempt-when-used-in-foods-and-feeds-as-a-preservative.
- 8- Exempt-except-when-present-as-free-crystal/powder.
- 9- Products--that--could--give-rise-to-coal-tar-pitch-volatilities-during-normal use-are-included:
- 10- Exempt-when-part-of-a-cured-epoxy-or-rubber.
- 11- Refers-to-solutions-greater-than-or-equal-to--25-per-cent--alcohol contained-in-alcoholic-liquor-as-defined-in-Section-2.05-of-An-Act relating-to-alcoholic-liquors-in-any-concentration-is-exempt.
- 12- Exempt-when-used-as-a-fuel.
- 13- Exempt-except-when-inhabitable-dust-and/or-particulates-are-present--or--are generated-through-use-of-the-product.
- 14- Refers-to-the-water-soluble-salts-only-except-when-mixed-in-food-or-animal feed.
- 15- Exempt--when--in-mixture--suspension--or--where-inhabitable-dust-or-particles are-not-present-or-cannot-be-formed.
- 16- Exempt-except-where-misks-can-be-generated-in-the-ordinary-use-of--the products-e-g--cutting-oils.
- 17- Occupational-sources-of-ozone-include-but-are-not-limited-to:
- a- Boring--existing--process--of--find--organic--chemicals--production (primarily-oxalic-acid);
- b- Boring-operations-involving-high-intensity-UV-light--(plasma--torch operations)--glass-blowing--hot-metal-operations--photoengraving operations--use-of-mercury-vapor-lamps--direct-copying-machines projecting-equipment);
- c- Boring--operations--involving--high-voltage-electrical-equipment (spectrographic--and--fluorogrametric--apparatus--electroplating operations--high-volt--linear--accelerators--and--electrostatic precipitators);
- d- Boring-operations--involving-ozonizing-process-in-treatment-of-waters industrial-waste--and-sewage--during-air-purification;
- e- Boring-drilling--cutting--and--welding-operations--utilizing-laser radiation;
- f- Boring-bleaching-operations--(textiles--paper--waxes--starch sugar--tetlon--and-synthetic-fibers)--refining-of--mineral-oils--and their-derivatives--processing-of-perfumes--vanillin--and-camphor--aging and--drying-operations-(wood--wines--whiskies--varnishes--and-printing inks);
- g- Boring-food-preserving-operations-for-mold-and-bacteria-control;

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- h- Boring-welding-operations-using--inert--gas--shielded--arc--welding devices--bare-wire-arc-welding-
- i- Boring-manufacturing-production-of-ozone-
- 18- Includes--benzanthracenes--benzopyrenes--benzofluoranthene--chrysenes7 bibenzanthracenes--and-indenopyrenes.
- 19- Refers-to-smoke-and-fume-products-given-off-during-soldering.
- 20- Exempt-except-when-inhabitable-particulates-are-present-or-can-be-generated-
- 21- Silver--compounds--existing--in--stable--emulsions--or--suspensions--as-in photographic-film-are-exempt.
- 22- Applicable-to-cotton-fiber-for-use-in-industries-or-operations-covered-by Federal--Occupational--Safety--and--Health--Administration--regulations-29 C.F.R.-1910-1043.
- 23- Zinc-oxide-is-exempt-except-when-present-as-dust-or-when-generated-as--a fume--Zinc-Sterate-is-exempt-except-when-present-as-dust.
- 24- Refers-to-solutions-greater-than-or-equal-to-4-per-cent.
- 25- Refers-to-solutions-greater-than-or-equal-to-3-per-cent.
- 26- Refers-to-any-mixture-containing-0.1-per-cent-or-greater-of-this substance.
- 27- Refers-to-any-mixture-containing--0.02-percent--or-greater--inorganic arsenic.
- 28- Applies-to-underground-hematite-mines-only.
- 29- Strong-acid-process.
- 30- Other-than-those-listed-elsewhere.
- 31- Exempt-except-when-containing-1-percent-or-more-crystalline-silica.
- 32- Refined-mineral-oils-as-approved-by-USA-and-BSA7-are-exempt.
- 33- Except-butyl-benzyl-phthalate-and-C179-111-alkyl-phthalate-esters.
- 34- Exempt-below-2.5-percent-when-in-motor-oil.
- 35- Appears-on-the-ACGIH-951-list-as-a-nuisance-dust-only.
- 36- Phthalocyanine--crudes--and--pigments--are-exempt-except-when-inhabitable-as dusts-or-mists.
- the-following-list-contains-sources-from-which-the-toxic-substance-list-was derived:
- 1-- Occupational-Safety-and-Health-Administration-Tables-5-1-2-2-and-5-3-Code of-Federal-Regulations-Part-1910-1000-1910-1500-US-Government-Printing Office--Washington-D.C-7-1989.
- 2-- Section-3(m)(1) of the-Toxic-Substances-Biclosure-to-Employees-Act-(11: Rev-Stat-1989-ch-48)-part-1403-as-amended-by-P.A.-84-1387-effective May-10-1987).
- 3a-- U.S.--Department--of--Health--and--Human--Services--Public-Health-Service National-Toxicology-Program--Fourth-Annual-Report-on-Carcinogens--Summary 1989-(NTP-85-002) (11: Rev-Stat-1989, Ch-48 part-1403.)
- 3b-- I.A.R.C.-Monographs-on-the-Evaluation-of-Carcinogenic-Risk-of-Chemicals to--Man--Geneva--World-Health-Organization--International-Agency-for Research-on-Cancer-1972-1977--(Multivolume-Work)-49-Sheridan-Street Albany-New-York-December-1989.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

4.--- threshold--limit--Values--for--Chemical-Substances-in-the-Work-Environment
Adopted-by-A-6-G-I-H:---American-Conference--of--Governmental--Industrial
Hygienists--6500-Glenway-Avenue-Bidg.-B-5,-Cincinnati-OH-45211-1990-91
edition:
5.--- Section-3(m)(vi)-of-the-Toxic-Substances-Disclosure-to-Employees-Act-(H.R.
Rev.-Stat.-1989, ch. 40, par. 14037--as-amended-by-P.A.-84-1320)--effective
May-10,--1987:

(Source: Repealed at 21 Ill. Reg. 10039, effective

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fees for Radioactive Material Licenses
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number: Adopted Action:
331.200 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act [420 ILCS 40/11].
- 5) Effective Date of Amendments: July 28, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 25, 1997
- 9) Notices of Proposal Published in Illinois Register: April 11, 1997, 21 Ill. Reg. 4369
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
 - a) In Section 331.200, in line 72, the ".00" has been deleted.
 - b) In Section 331.200, in line 74, the ".00" has been deleted.
 - c) In Section 331.200, in line 77, the ".00" has been deleted.
 - d) In Section 331.200, in line 79, the ".00" has been deleted.
 - e) In Section 331.200, in line 81, the ".00" has been deleted
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed amendment replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment will change the hourly rate for professional staff review of licensed activities and associated license amendment regarding radioactive material licensees. The increase in funding is necessary to ensure licensed activities reviewed by the Department continue to be evaluated by technically competent individuals.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 331

FEES FOR RADIOACTIVE MATERIAL LICENSES

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Payment of Fees
331.120	Refunds
331.130	Full Cost of Review
331.200	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.210	Schedule of Fees For Applicant or Licensee To Pay Prescribed Fee
331.310	Failure By Applicant or Licensee To Pay Prescribed Fee
APPENDIX A	Schedule of License Fees (Repealed)
TABLE A	License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
TABLE B	License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
TABLE C	License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1111, effective _____.

Section 331.200 Full Cost of Review

Initial applications, amendments and renewals for licenses designated as full cost in Appendix D of this Part, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost of review. Full Fees--for--licensees7 amendments--to--terminate-a--license7-renewals7-evaluations--for--new sealed--sources--and--devices--and--amendments--to--existing--sealed--source--and--device evaluations7--which--are--to--be--based--on--the--full--cost--of--review--fees--are--will--be calculated based on the following:

- The time required by Departmental professional staff to conduct the review, including license file review, travel time, correspondence

DEPARTMENT OF NUCLEAR SAFETY

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preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. of \$99.00-per-hour.

- b) The time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. (~~at~~-above;
- c) For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties contaminated with byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. (~~at~~-above;
- d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment. 7-and
- e) The contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.

f) The hourly rate for full cost reviews shall be:

- 1) \$110 for licensees with material use category 106A, Source Material and Byproduct Material;
- 2) \$110 for licensees with material use category 106B, Source Material that requires a specific radioactive materials license;
- 3) \$110 for licensees with material use category 107, Radioactive Waste;
- 4) \$110 for licensees with material use category 109, Decontamination Facilities; and
- 5) \$110 for evaluations of sealed sources and devices.

(Source: Amended at 21 Ill. Reg. 10968 effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987

2) Code Citation: 38 Ill. Adm. Code 1050

3) Section Number: Adopted Action:
1050.430 Amendment
1050.440 Amendment
1050.1010 Amendment
1050.1335 Amendment

4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

5) Effective Date of Adopted Amendments: August 1, 1997

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 23, 1997

9) Date Notice of Proposed Amendments was published in Illinois Register: May 16, 1997, 21 Ill. Reg. 5984

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested or made.

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: The rulemaking establishes new requirements pertaining to escrow accounts for licensees under the Act. Third party fees collected in advance of closing may be co-mingled with licensee assets, but all other fees collected prior to closing must be escrowed. The escrowing of these fees will give consumers added protection and place the licensee in the capacity of a fiduciary over the consumers' funds. Escrow arrangements would be subject to examination by the Office of Banks and Real Estate (OBRE). A licensee would be authorized to retain certain fees, even if a loan does not close, provided the fees were properly disclosed and made part of a signed, written agreement, and if the borrower withdraws the application, misrepresents application information, or fails to provide necessary documentation. The proposed rulemaking also

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

makes a technical correction in Section 1050.430 to make it consistent with new statutory language enacted by Public Act 89-74.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	Act
1050.110	Administrative Decision
1050.115	Assisting
1050.120	Commissioner
1050.125	Control
1050.130	Document
1050.135	Employee
1050.140	First Tier Subsidiary
1050.145	Hearing Officer
1050.150	Material
1050.160	Other Regulatory Agencies
1050.165	Party
1050.170	Principal Place of Business
1050.175	State
1050.185	

SUBPART B: FEES

Section	Fees
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section	Licensing
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office

OFFICE OF BANKS AND REAL ESTATE

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SUBPART D: OPERATIONS AND SUPERVISION

Section	
1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	
1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate

SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section

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1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records

SUBPART K: GENERAL LENDING PRACTICES

Section	
1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges Prior-to-Closing
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close - Disclosure

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1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section

1050.1410 General

1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section

1050.1510 Applicability

1050.1520 Definitions

1050.1530 Filing

1050.1540 Form of Documents

1050.1550 Computation of Time

1050.1560 Appearances

1050.1570 Request for Hearing

1050.1580 Notice of Hearing

1050.1590 Service of the Notice of Hearing

1050.1595 Bill of Particulars or Motion for More Definite Statement

1050.1600 Motion and Answer

1050.1610 Consolidation and Severance of Matters - Additional Parties

1050.1620 Intervention

1050.1630 Postponement or Continuance of Hearing

1050.1640 Authority of Hearing Officer

1050.1650 Bias or Disqualification of Hearing Officer

1050.1660 Prehearing Conferences

1050.1670 Discovery

1050.1680 Subpoenas

1050.1690 Conduct of Hearing

1050.1700 Default

1050.1710 Evidence

1050.1720 Hostile Witnesses

1050.1730 Record of Proceedings

1050.1740 Briefs

1050.1750 Hearing Officer's Recommendation

1050.1760 Order of the Commissioner

1050.1770 Rehearings and Reopening of Hearings

1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg.

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3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 11116, effective 11/1/96.

SUBPART D: OPERATIONS AND SUPERVISION

Section 1050.430 Late Audit Reports

Audit reports which are not delivered within 90 ~~one-hundred-twenty~~ days after of the date specified in Section 3-2 of the Act, unless extended for cause by the Commissioner, shall cause the licensee to pay a fee at the rate of \$50 per calendar day for up to three months. An independent auditor may be appointed by the Commissioner at the expense of the licensee at any time after the 90th ~~120th~~ day. To qualify for an extension of time, a licensee shall apply to the Commissioner in writing at least ~~fifteen~~ 15 days prior to the deadline. In determining whether to grant an extension of time, the Commissioner shall consider whether such extension of time is based on conditions beyond the control of the licensee. The Commissioner shall appoint an independent auditor when the licensee is engaged in the activities of residential mortgage lending and has failed after the 90th ~~120th~~ day to submit the required certified annual audited financial statements, and has not been granted an extension by the Commissioner.

(Source: Amended at 21 Ill. Reg. 11116, effective 11/1/96.)

Section 1050.440 Escrow

a) Escrow funds shall be disclosed as a part of the licensee's financial statement package. Escrow funds collected pursuant to Section 1050.1335 of this Part and pursuant to a Rate-Back-Fee--Agreement--and

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escrow--funds for payment of real property taxes or any other purpose authorized by the mortgage contract shall be maintained in a depository institution as described in subsection (b) below and may not be commingled with any licensee funds.

- b) Where escrow funds have **a-Rate-Back-Fee-or-an-Assumption-Fee-has** been collected pursuant to Section 1050.1335 of this Part, or where servicing includes maintenance of an escrow (impound) account for payment of tax bills and/or hazard insurance premiums, the funds collected for such account, **Rate-Back-Fee-or-Assumption-Fee** shall be placed in a federally **federally** insured depository institution, or a Federal Home Loan Bank, or a Federal Reserve Bank, or other similar government-sponsored **Government-sponsored** enterprise, to be removed and used only for:

- 1) authorized payments from the related escrow (impound) account for tax bills and/or hazard insurance premiums;
- 2) refunds to the mortgagor;
- 3) transferring to another institution as described in subsection (b) above;
- 4) forwarding to the appropriate servicer in case of a transfer of servicing;
- 5) any other purpose authorized by the mortgage contract;
- 6) compliance with a regulatory or court order; or
- 7) payment to a licensee pursuant to the provisions of Section 1050.1335 of this Part.

- c) All escrow funds are subject to examination by agents of the Commissioner.

7) **possession--by--the-licensee-of-a-Rate-Back-Fee-or-Assumption-Fee pursuant to Section-1050-1335-of-this-Part:**

(Source: Amended at 21 Ill. Reg. 10002 effective 10/01/00)

SUBPART I: LOAN BROKERAGE PRACTICES

Section 1050.1010 Loan Brokerage Agreement

Before a mortgage loan applicant, also referred to herein as "borrower" or "customer", signs a completed residential mortgage loan application or gives the licensee any consideration, whichever comes first, a loan brokerage agreement shall be required and shall be in writing and signed by both the mortgage loan applicant and a licensee whose services to such customer shall be loan brokering as defined at Section 1-4(o) of the Act.

- a) The loan brokerage agreement shall carry a clear and conspicuous statement that, upon request, a copy shall be made available to the borrower or the borrower's attorney for review prior to signing.
- b) Both the licensee's authorized representative and the borrower shall sign and date the loan brokerage agreement at the same time, and a copy of the executed agreement shall be given to the customer at the

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time of signing.

- c) The loan brokerage agreement shall contain an explicit description of the services the licensee agrees to perform for the borrower and a good faith estimate of all consideration and remuneration to be exchanged in conjunction with such services. In the same area of the agreement shall be language, of prominence equal to or greater than such estimate, listing the types of situations or conditions which could materially affect the amounts indicated due to details which could not be known by the licensee at the time of signing the loan brokerage agreement. "Examples of such situation or conditions may include, but not be limited to, an appraised value different from that estimated by the borrower or credit obligations which the borrower fails to report."

- d) The loan brokerage agreement shall carry a clear and conspicuous statement as to the conditions under which the borrower is obligated to pay the licensee.

- e) The loan brokerage agreement shall provide that if the licensee makes false or misleading statements in such agreement, the borrower may, upon written notice:

- 1) void the agreement;
- 2) recover monies paid to the broker for which no services have been performed; and
- 3) recover actual costs, including attorney fees for enforcing the borrower's rights under the loan brokerage agreement.

- f) The loan brokerage agreement shall incorporate by reference the "Loan Brokerage Disclosure Statement" described in Section 1050.1020 of this Subpart.

- g) Except for a Rate-Lock Fee Agreement in accordance with Section 1050.1335**bb**, the loan brokerage agreement shall be the only agreement between the borrower and licensee with respect to a single loan; except, the licensee shall also provide to the customer any disclosure statement necessary to comply with federal **Federal** and State requirements, including but not limited to, the Consumer Protection Credit Act (15 U.S.C. 1601), Equal Credit Opportunity Act (Title VII), and Truth in Lending Act (Title I) and Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].

(Source: Amended at 21 Ill. Reg. 10002, effective 10/01/00)

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section 1050.1335 Fees and Charges **Prior-to-Closing**

- a) Except as prohibited by federal statute or regulation, a licensee shall not require a borrower to pay any fees or charges prior to the loan closing, except charges to be incurred by the licensee on behalf of the borrower for services from third parties necessary to process

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the application, such as for credit reports and appraisals and:

- 1) Loan Fees Commitment-Fee
 A) Loan fees A-commitment--fee, such as origination or commitment fees, including fees detailed in the Loan Brokerage Agreement, of-up-to-one-per-cent may be charged prior to closing only if a licensee is able to demonstrate either that:

- i) The loan commitment is provided in writing by the funding entity and accepted in writing by the borrower; or
- ii) with a Loan Brokerage Agreement provided to the borrower pursuant to Section 1050.1010 of this Part and signed by the borrower.

- B) The loan fee, including fees detailed in the Loan Brokerage Agreement, collected prior to closing shall be deposited in escrow by the licensee in accordance with the requirements of Section 1050.440 of this Part.

- C) B) If the loan commitment provided by the funding entity pursuant to subsection (a)(1) is subject to any condition or conditions, and any condition is not met due to an action or lack of action on the part of the borrower, the licensee may retain the loan commitment fee. In all other cases, if the loan does not close as agreed by the licensee and the borrower, the licensee shall refund the loan commitment fee to the borrower.

- D) A loan commitment fee, including fees detailed in the Loan Brokerage Agreement, may be collected by a licensee even if a loan does not close if:

- i) Either such fee was provided for in the loan commitment accepted in writing by the borrower or if such such fee was disclosed in the Loan Brokerage Agreement provided to a borrower pursuant to Section 1050.1010 of this Part and signed by the borrower, and a loan commitment was obtained by the licensee consistent with the Loan Brokerage Agreement; and

- ii) The A-commitment--was--obtained--by---the---licensee consistent--with---such--loan--Brokerage--Agreement--if--the borrower withdraws the loan application; or the borrower has made a material misrepresentation on the loan application; or the borrower has failed to provide documentation necessary to the processing or closing of the loan.

- 2) Rate-Lock Fee

- A) A Rate-Lock Fee Agreement shall be in writing and signed by both the licensee and prospective borrower.

- B) The Rate-Lock Fee Agreement shall state all of the following:

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- i) The expiration date of the Rate-Lock Fee Agreement;
- ii) The amount of the loan;
- iii) The maximum interest rate of the loan;
- iv) The term of the loan; and
- v) The maximum discount (points) to be paid.

- C) The licensee shall be able to demonstrate to the Commissioner that:

- i) The licensee is able to perform under the terms of the Rate-Lock Fee Agreement; and
- ii) Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the Rate-Lock Fee Agreement; and
- iii) The Rate-Lock Fee will be credited to the borrower at closing.

- B) Such--fee--shall--not--exceed--one--percent--(1%)--of--the--loan amount;

- D) The Rate-Lock Fee shall be deposited in escrow by with the licensee in accordance with the requirements of Section 1050.440 of this Part;7-for-the-following-distribution:

- i) The Rate-Lock Fee--is--credited--to--the--borrower--at closing; or

- ii) The--Rate--Lock--Fee--must--be--refunded--if--the--loan--does not--close--in--accordance--with--the--Rate--Lock--Fee Agreement;--except--that--the--Rate--Lock--Fee--Agreement--may be--retained--by--the--licensee--upon--the--licensee's ability--to--demonstrate--to--the--Commissioner--any--of--the following--reasons:--the--borrower--withdraws--the--loan application;--the--borrower--has--made--a--material misrepresentation--on--the--loan--application;--the borrower--has--failed--to--provide--documentation--necessary to--the--processing--or--closing--of--the--loan;--When--the Rate--Lock--Fee--is--to--be--retained,--the--licensee--shall--ten--(10)--days--prior--to--taking--possession--of--the--fee--send--a--written--notice--to--the--borrower--stating--the reason--for--retaining--the--fee.

- E) A Rate-Lock fee may be collected by a licensee even if a loan does not close if:

- i) Such fee was disclosed in the Rate-Lock Fee Agreement provided to a borrower and signed by the borrower; and
- ii) A Rate-Lock was obtained by the licensee consistent with the Rate-Lock Fee Agreement and the borrower withdraws the loan application; or the borrower has made a material misrepresentation on the loan application; or the borrower has failed to provide documentation necessary to the processing or closing of the loan.

- 3) Assumption Fee

- A) licensee may charge a borrower an Assumption Fee assumption-fee

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for a Federal Housing Administration (FHA) or Department of Veterans Affairs (VA) loan assumption, which, by regulation, requires full credit approval prior to closing, subject to the following requirements:

- A) The applicant must qualify for the extension of credit as required under:
- i) The terms and conditions of mortgages given on property in Illinois which are insured by the Federal Housing Administration and dated on or after December 15, 1989 requiring prior credit approval of the Secretary of Housing and Urban Development.
 - ii) The terms and conditions of mortgages given on property located in Illinois which are guaranteed by the U.S. Department of Veterans Affairs (VA) dated on or after March 1, 1988 and requiring approval of VA or its authorized agent.

B) An Assumption Fee may be collected by a licensee even if a loan does not close if:

- i) Such fee was disclosed in an Assumption Fee Agreement provided to a borrower and signed by the borrower; and
- ii) An Assumption Fee Agreement was obtained by the licensee consistent with the Assumption Fee Agreement and the borrower withdraws the loan application; or the borrower has made a material misrepresentation on the loan application; or the borrower has failed to provide documentation necessary to the processing or closing of the loan.

B) ~~The Assumption fee must be credited to the borrower at closing, or must be refunded if the loan does not close in accordance with the Assumption Fee Agreement, except that the Assumption fee may be retained by the licensee if:~~

- i) ~~The borrower withdraws the loan application;~~
- ii) ~~The borrower has made a material misrepresentation on the loan application; or~~
- iii) ~~The borrower has failed to provide documentation necessary to the processing or closing of the loan;~~

b) ~~Nothing in this Section 1050.1335 shall be interpreted to limit the right of a licensee to recover from a borrower any fee that the borrower has agreed to pay pursuant to a Loan Brokerage Agreement, a loan commitment or other written agreement entered into between the borrower and the licensee. This subsection shall not abridge Section 1050.1010(g) so as to permit an agreement or agreements in addition to the Rate-Lock Fee Agreement or the Loan Brokerage Agreement.~~

cb) ~~For each violation of this Section, the Commissioner may fine a licensee up to \$500 in addition to all other actions authorized under the Act and this Part.~~

(Source: Amended at 21 Ill. Reg. 10983, effective

OFFICE OF BANKS AND REAL ESTATE

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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

- 2) Code Citation: 92 Ill. Adm. Code 1040

- 3) Section Numbers Adopted Action
1040.70 Amendment

- 4) Statutory Authority: Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

- 5) Effective Date of Amendments: July 29, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: July 29, 1997

- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 4398 (April 11, 1997)

- 10) Has JCAR Issued a Statement of Objections to this Rule? No

- 11) Differences between proposal and final version: All suggested stylistic and typographical changes suggested by the Joint Committee on Administrative Rules were completed.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

- 13) Will this rule replace any Emergency Rule(s) currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
1040.20	Amendment	21 Ill. Reg. 5091 (April 25, 1997)
1040.50	Amendment	21 Ill. Reg. 5457 (April 25, 1997)

- 15) Summary and Purpose of Rule: This proposed rulemaking is being amended to retitle the Section to "Problem Driver Pointer System", incorporating new definitions and penalties regarding fictitious and fraudulent driver's

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licenses, and permits and identification cards.

- 16) Information and questions regarding this Adopted Rule should be directed to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

The full text of the Adopted Rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
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1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System National-Driver-Register
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984;

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amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 1040.70 Problem Driver Pointer System **National-Driver-Register**

a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for an Illinois driver's license.

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn **suspended-or-revoked** in another state as provided for in Section 1040.20 of this Part, and as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110] **(1117-Rev7-Stat-1987, ch. 95-1/27, par. 1-1107).**

"Clean File" - a file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" - any document received from another state dated within 30 days prior to the current process date, and verifying that an individual has had his/her **his-or--her** driving privileges restored in that state.

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"Conviction" - a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100] ~~{iii-Rev-Stat-1987-CH-95-1/27-par-6-100}~~.

"Delayed Search" - the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver History Record" - a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Status" - the current standing of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.

"National Driver Register" - a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway Safety Administration.

"Open or Pending Revocation(s)" - revocation(s) which is still in effect or which has been entered on the record to become effective on a specified future date.

"Problem Driver Pointer System (PDPS)" - a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Restricted Driving Permit" - permit--granting--limited-driving privileges to persons--who--have--had--their--driving--privileges suspended, revoked, or cancelled as defined in Section 1-173.1 of the Illinois Vehicle Code--{iii-Rev-Stat-1987-CH-95-1/27-par-1-173.1}

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new

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license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-176] ~~{iii-Rev-Stat-1987-CH-95-1/27-par-1-176}~~.

Secretary" - Illinois Secretary of State.

"State of Inquiry (SOI)" - a licensing jurisdiction that originated the inquiry.

"State of Record (SOR)" - a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204] ~~{iii-Rev-Stat-1987-CH-95-1/27-par-1-204}~~.

"Termination of Suspension" - suspension which has ended:

"Withdrawal" - the absence of valid driving privileges in a state due to sanctions taken against those privileges.

- b) PDPS information is made available to this Department to determine eligibility for license issuance and any post-issuance sanction, if applicable. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR). National Driver Register (NDR) information shall be requested by the Department from the United States Department of Transportation--National Highway Traffic Safety Administration--verifying if an applicant has been denied driving privileges or has had his/her driving privileges withdrawn in another state--the Secretary shall then contact the other state to confirm the information received from the National Driver Register.

- c) If the person has been denied issuance of an Illinois license, certain information shall be required from the other state and/or applicant, and upon review of the information, a determination of the individual's eligibility for licensing in the State of Illinois will be made. Where a determination is made that the new applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the

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driver's--license-and/or permit pursuant to Section 6-201(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (1987-Rev. Stat. 1987-ch. 95-1/2-par. 6-201(a)(5)).

d) The Department will receive a daily report which will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR/NDR.

e) If it is determined from the review that the applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driving privileges pursuant to Section 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-201(a)(5)].

f) If a person has falsified information on his/her application for a driver's license, he/she shall be suspended pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)] for twelve-12 months if it is his/her first offense. If it is his/her second offense or if the driving record contains an open or pending revocation(s), his/her driving privileges shall be revoked pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code.

g) If the person has been denied driving privileges or has his/her driving privileges withdrawn by a state other than Illinois, certain information shall be required from the other state. An acceptable document is an abstract of the person's driving record and/or a copy of the conviction upon which the other state's action was based if the other state's action was based on a conviction.

h) The Department shall contact the other state to determine the accuracy of the information reported by the National Driver Register and to determine if the person has had his/her driving privileges restored. After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.

i) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118] (1987-Rev. Stat. 1987-ch. 95-1/2-par. 6-118). If a person's driving privileges have been revoked, he/she is eligible to be considered for reinstatement of his/her driving privileges after the successful completion of all necessary requirements of the Department pursuant to Section 2-110 of the Illinois Vehicle Code [625 ILCS 5/2-110], expiration of at least one year after the date of revocation and upon acceptance of the required reinstatement fee.

(Source: Amended at 21 Ill. Reg. 10985, effective 10985)

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1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers
1030.70
1030.75
Adopted Action
Amendment
Amendment

4) Statutory Authority: Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Amendments: July 29, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 29, 1997

9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 4414 (April 11, 1997)

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version:

At Lines 125 and 419, the definition of "Driver Services facility representative" was changed as follows: "Driver Services facility representative" - an employee of the Department of Driver Services of the Office of Secretary of State.

At Line 171, the definition of Vision Specialist was changed, as follows: "Vision specialist" - a doctor licensed to practice medicine in optometry or a person licensed to test eyesight, prescribe eye lenses and perform glaucoma examinations, such as an optometrist.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rule: This proposed rulemaking is being amended to include changes to the procedures involving vision and telescopic lens vision cancellations of a driver's license, as well as adding definitions.

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- 16) Information and questions regarding this Adopted Rule should be directed to:

Mark A. Novak
 Assistant Counsel to the Secretary
 2701 S. Dirksen Parkway
 Springfield, IL 62723
 217/782-5356

The full text of the Adopted Rule begins on the next page.

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 CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

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What Persons Shall Not be Licensed or Granted Permits
 Procedure for Obtaining a Driver's License
 Driver's License Medical Advisory Board
 Denial of License or Permit
 Cite for Re-examination
 Physical and Mental Evaluation
 Errors in Issuance of Driver's License/Cancellation
 Medical Criteria Affecting Driver Performance
 Classification of Drivers-References
 Classification Standards
 Fifth Wheel Equipped Trucks
 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
 Third-Party Certification Program
 Religious Exemption for Social Security Numbers
 Instruction Permits
 Driver's License Testing/Vision Screening
 Driver's License Testing/Vision Screening with Vision Aid
 Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
 Driver's License Testing/Written Test
 Endorsements
 Vehicle Inspection
 Driver's License Testing/Road Test
 Multiple Attempts/Road Test
 Exemption of Facility Administered Road Test
 Temporary Licenses
 Requirement For Photograph and Signature of Licensee on Driver's License
 Disabled Person/Handicapped Identification Card
 Restrictions
 Restricted Local Licenses
 Duplicate or Corrected Driver's License or Instruction Permit
 Diplomatic and Consular Licenses
 Restricted Commercial Driver's License
 Invalidation of a Driver's License or Permit
 School Bus Commercial Driver's License
 Anatomical Gift Donor
 Emergency Medical Information Card
 Change-of-Address
 Issuance of a Probationary License

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1030.130 Grounds for Cancellation of a Probationary License
 APPENDIX A Questions Asked of a Driver's License Applicant
 APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8359, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended

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at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 17364, effective 1997.

Section 1030.70 Driver's License Testing/Vision Screening

a) For purposes of this Section the following definitions shall apply:

"Applicant" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.

"Binocular visual acuity" - a visual reading obtained utilizing both eyes at the same time.

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Current vision specialist report" - any vision specialist report completed for a driver which has been completed within 6 months prior to receipt by the Department and is signed and dated by a vision specialist.

"Denial" - any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].

"Department" - the Department of Driver Services of the Office of the Secretary of State.

"Driver" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.

"Driver Services facility representative" - an employee of the Department of Driver Services of the Office of Secretary of State.

"Favorable vision specialist report" - a current vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable vision specialist report contains a monocular or binocular acuity reading of 20/70 or better and a peripheral

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field of 140° binocular or 70° temporal and 35° nasal monocular and a release signed by the driver.

"Incomplete vision specialist report" - a vision specialist report which has not been completed in its entirety. Examples of an incomplete vision specialist report include, but are not necessarily limited to: a vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated, or contains illegible information, or fails to answer any of the questions contained within the report.

"Monocular vision acuity" - visual acuity readings obtained utilizing individual eye.

"Nasal vision reading" - field of vision 35° from the straight ahead.

"Peripheral vision" - vision from the outside line of direct sight toward the temporal area.

"Rescind order" - a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

"Restriction" - requirements or conditions added on a driver's license which must first be met by the driver before he/she may legally operate a motor vehicle.

"Temporal vision reading" - field of vision 70° from the straight ahead.

"Termination order" - the ending of an order canceling or medically denying the issuance of a driver's license to a person.

"Unfavorable vision specialist report" - a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section, or the peripheral vision readings do not meet Illinois standards in accordance with this Section or the driver would not accept or has refused the recommended correction and his/her vision readings without this correction are not favorable.

"Vision screening" - readings of an applicant's visual acuity and peripheral fields of vision obtained by a physician, ophthalmologist, optometrist, or Department representative.

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"Vision specialist" - a doctor licensed to practice medicine in optometry or a person licensed to test eyesight, prescribe eye lenses and perform glaucoma examinations, such as an optometrist.

"Vision specialist report" - a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the vision specialist completed the report and the name, address, signature and professional license number of the vision specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver.

b) An applicant for an initial or renewal drivers license who is required to take a vision test shall comply with the following provisions:

1) ~~a~~ The Driver Services Department shall administer the vision examination to any applicant who is required to take a vision screening. However, applicants who desire to use any vision aid arrangement, other than standard eye glasses, or contact lenses) shall submit a vision specialist ~~Vision Specialist~~ report form or in lieu of such form an ophthalmologist or optometrist statement may be submitted ~~as indicated in Section 1030-75~~. Any applicant using a telescopic lens arrangement must meet the requirements as indicated in Section 1030.75 of this Part.

2) ~~b~~ An applicant who is required to take a vision screening must obtain a binocular (both eyes) acuity reading of 20/40 or better before being issued a drivers license without vision restrictions. If an applicant utilizes corrective eye glasses, contact lenses or a combination thereof in order to obtain an acceptable acuity reading, a driver's license issued to this applicant shall be restricted to operating a motor vehicle while using the corrective lenses.

3) ~~c~~ An applicant who obtains a binocular (both eyes) visual acuity reading of 20/41 to 20/70 inclusive may be issued a drivers license restricting said applicant to operate a motor vehicle during daylight only.

4) ~~d~~ An applicant who uses eye glasses or contact lenses in binocular (both eyes) screening and has an acuity reading of 20/41 to 20/70 inclusive shall be issued a drivers license restricting said applicant to operate a motor vehicle while wearing said eye glasses or contact lenses during daylight only.

5) ~~e~~ A screening will be administered for individual eyes to determine the need for an outside rear view mirror.

6) ~~f~~ An applicant who obtains a monocular (individual eye) acuity reading, which is not better than 20/100 with or without standard eye glasses or contact lenses) shall be restricted to a outside

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rear view mirror(s).

7) If an applicant who is required to take a vision screening must demonstrate a peripheral field of at least 140° degrees binocular or 70° degrees horizontal and 35° degrees nasal monocular. If, an applicant only qualifies monocularly, he/she will be restricted to operating a motor vehicle equipped with both a left and right rear view mirror. Any applicant who cannot meet the minimum peripheral field of vision requirements may submit a vision specialist report Vision-Specialist-Report or in lieu of the report form, a statement from a physician, ophthalmologist, or optometrist may be submitted as indicated in subsection (b)(14) of this Section.

8) If the applicant is wearing contact lens(es), such applicant shall not be required to remove such lens(es) to take the vision screening.

9) If the applicant desires to remove the contact lens(es) in order to obtain an unrestricted license, said applicant may do so.

10) If the applicant does not have his/her eye glasses; or contact lens(es) with said applicant, he/she may proceed with the vision screening. If the applicant does proceed, but subsequently fails without said applicant's eye glasses or contact lens(es), said applicant may return at a later date with the eye glasses or contact lens(es), to retake the vision screening.

11) If an applicant obtains a reading without correction which would restrict said applicant to daylight driving only and/or left outside rear view mirror, the applicant shall be issued a license or instruction permit with a restriction, if said applicant has satisfied all other requirements for the issuance of a drivers license or an instruction permit. If the applicant wishes to have the license or instruction permit issued on the basis of a vision specialist's report Vision-Specialist's-Report rather than the Secretary of State's vision screening, the said applicant may exercise the option of visiting a vision specialist Vision-Specialist for an independent vision screening.

12) If the applicant returns at a later date with corrective glasses or contact lens(es) with which the applicant successfully meets the vision standard, the restriction will be removed.

13) The appropriate fee will be required to change a restriction if the permanent drivers license has been or is in the process of being issued. If the applicant has not yet successfully completed the written or road test portion of the examination, no fee is required to change the restriction.

14) An applicant may submit a current and favorable vision specialist report form if he/she fails the vision screening or he/she does not wish to accept a certain driving restriction. Vision-Specialist-Report-Form-or-in-lieu-of-such-form-a-statement-from-a-licensed-physician-or-ophthalmologist-or-optometrist-may-be-submitted-the-statement-must-be-on-a

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letterhead--or--prescription--blank--imprinted--with--the--name--address--and--title--of--the--person--making--the--certification--Such--statement--must--contain--the--name--and--Drivers--License--Number--or--name--date--of--birth--and--sex--of--the--applicant--as--well--as--the--signature--and--certificate--number--of--the--person--authorized--to--certify--the--vision--examination--No--statement--shall--be--acceptable--if--the--date--of--the--vision--examination--is--more--than--six--months--prior--to--the--date--of--the--applicable--drivers--license--examination--Such--statement--or--form--may--contain--a--notation--if--the--applicant--is--in--a--condition--is--deteriorating--recommendations--for--driving--restrictions--compatible--to--the--applicant's--visual--ability--(for--area--limitations--speed--limitation)--recommendations--for--re-examination--compatible--to--the--applicant's--visual--stability--Each--report--shall--include--a--statement--of--release--to--the--Office--of--the--Secretary--of--State--which--has--been--signed--and--dated--in--the--presence--of--the--Vision-Specialist--or--Physician

A) If the vision specialist has indicated a different acuity reading or peripheral field from the reading obtained at the facility, the vision specialist report will supersede the facility readings, even if it means the addition or deletion of restrictions.

B) The vision specialist may indicate the driver's eyesight condition is deteriorating or warrants monitoring by recommending periodic re-examination of the driver's eyesight on the vision specialist report form. The Department must follow this recommendation of the vision specialist. Routine vision examinations requested by the vision specialist will not be, in itself, basis for this Department to request follow-up reports from the driver.

C) The Department shall notify the driver of the requirement to submit an updated vision specialist report to be completed by the vision specialist and the driver. The driver must then submit the completed vision specialist report to the Department within 60 days from the date of the Department's request.

i) If a current and favorable vision specialist report is not received by the Department within the above specified time, the driver shall be canceled or medically denied a driver's license pursuant to Sections 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)].

ii) If a driver is canceled pursuant to this subsection (b)(14)(C) and a favorable vision specialist report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

D) If, pursuant to this Section, the Department receives an unfavorable vision specialist report, the Department shall

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cancel or medically deny the driver pursuant to Sections 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)].

i) The cancellation order shall remain in effect until the driver submits a favorable vision specialist report to the Department.

ii) Upon the termination of a cancellation under this subsection (b)(14)(D), the person may reapply for a driver's license as outlined in Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106].

E) If, pursuant to this Section, the Department receives an incomplete vision specialist report, a request shall be made for the necessary information required to process the report.

i) If the Department requests additional information from the vision specialist and the Department does not receive this information, a written request shall be made to the driver.

ii) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to Sections 6-103.8 and 6-201 of the Illinois Vehicle Code [625 ILCS 5/6-103.8 and 6-201].

iii) If a driver is canceled pursuant to this subsection (b)(14)(E) and the information requested is received which makes the vision specialist report favorable, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

o) ~~if an applicant fails the vision screening or the applicant does not wish to accept a certain driving restriction they may submit a vision specialist report or in lieu of the report form a statement from a licensed physician, ophthalmologist or optometrist as prescribed in tot of this Section may be submitted.~~

p) ~~acuity reading or peripheral field of vision from the reading obtained by examining personnel the vision specialist's report or statement will be used even if it means the addition or deletion of restrictions.~~

15) ~~g) Every person who has a valid driver's license may be required to be re-examined at the discretion of the Secretary of State, as provided for in Section 1030.15 of this Part, to determine if the licensee meets the minimum standards as set forth in this rule.~~

16) The Department shall require a driver to appear at a Driver Services facility to receive a corrected driver's license if the visual acuity or visual peripheral readings warrant a change or the vision specialist recommends a driver's license restriction

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or the facility representative issued a driver's license based on the vision specialist report with the wrong restriction pursuant to Section 1030.92 of this Part.

17) The Department shall provide two written notifications to the driver at his/her last known address as indicated on the Department's driving record file. The notice shall state that failure to comply with either request will result in the driver being cited into a driver's license facility in accordance with Section 1030.15 of this Part, provided a subsequent vision specialist report is not received from the same vision specialist indicating the restriction is no longer necessary.

(Source: Amended at 21 Ill. Reg. 16302, effective 11/29/00)

Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)

a) For purposes of this Section the following definitions shall apply:

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Current telescopic lens vision specialist report" - any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Denial" - an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].

"Department" - the Department of Driver Services of the Office of the Secretary of State.

"Driver" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.

"Driver Service facility representative" - an employee of the Department of Driver Services of the Office of the Secretary of State.

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"Favorable telescopic lens vision specialist report" - a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is done by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.

"Incomplete telescopic lens vision specialist report" - a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of the questions contained within the report.

"Licensed vision specialist" - a doctor licensed to practice medicine in optometry.

"Peripheral vision" - the area of vision from the outside line of direct sight toward the temporal area.

"Rescind order" - the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

"Telescopic lens arrangement" - a device which aids in improving vision deficits.

"Telescopic lens vision specialist report" - a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a licensed vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the

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licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.

"Termination order" - the ending of an order canceling or medically denying the issuance of a driver's license to a person.

"Traffic environmental screening" - a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object.

"Unfavorable telescopic lens vision specialist report" - a telescopic lens vision specialist report signed and completed by a licensed vision specialist containing his/her professional opinion that the driver is not capable of safely operating a motor vehicle or the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lens(es) does not meet Illinois standards in accordance with this Section.

a) An applicant, for an initial or renewal drivers license, who desires to use a prescription spectacle-mounted telescopic lens arrangement must have a central acuity of 20/40 or better through the telescopic lens whose magnification power may not exceed 2.2X or 3X standard in a wide-angle design, a central acuity through the carrier lens alone of 20/100 or better, and a horizontal peripheral field of at least 140 degrees. Such peripheral field measurements shall be determined with the prescription spectacle-mounted telescopic lens arrangement in place and without the use of field enhancers. In addition, such applicant shall submit a statement that he meets the specifications as designated in paragraph (c) of this section.

b) An applicant who satisfactorily completes the written and vision requirements and has at least 3 years licensed driving experience prior to the date of application, with or without the use of a prescription spectacle-mounted telescopic lens arrangement, must complete the road test with the prescription spectacle-mounted telescopic lens arrangement in place. Upon successful completion of the road test, a drivers license will be issued.

c) An applicant who satisfactorily completes the written and vision

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requirements, but does not have at least 3 years licensed driving experience prior to the date of application, with or without the use of a prescription spectacle mounted telescopic lens arrangement, must complete a Traffic Environment Screening with the prescription spectacle mounted telescopic lens arrangement in place. The Traffic Environment Screening shall consist of the applicant demonstrating the ability to recognize actual traffic conditions while using the prescription spectacle mounted telescopic lens arrangement while riding with and being evaluated by a Secretary of State Driver Services Department Specialist. This Traffic Environment Screening (UES) shall consist of 4 parts and shall be as follows: stationary applicant identifying a stationary object, stationary applicant identifying a moving object, moving applicant identifying a moving object, upon successful completion of the Traffic Environment Screening, an instruction permit will be issued. At the end of the six-month period following the date of instruction permit issuance, the individuals driving record will be reviewed by the Secretary of State Driver Services Department. This review shall consist of an analysis of the individual's driving record. A successful review shall occur if the individual's driving privileges are not suspended, revoked or cancelled. Upon a satisfactory review, a road test will be administered. Upon successful completion of the road test, a drivers license will be issued. If the review is found unsatisfactory, the individual will not be eligible for a road test until his driving privileges have been returned.

3) Applicants who qualify to drive with the use of a prescription spectacle mounted telescopic lens arrangement shall be restricted to driving during daylight hours only and shall be eligible for a Class "A" drivers license only. Each applicant shall submit annually a Vision Specialist Report or, in lieu of such form, a statement from a licensed ophthalmologist or optometrist. The driving record of each such applicant shall be reviewed periodically in accordance with Section 6-109 of the Illinois Vehicle Code (Ill. Rev. Stat. 1983, ch. 95-1/27 par. 6-109).

b) An applicant that desires to use a vision aid arrangement other than standard eye glasses or contact lenses) shall submit a Vision Specialist Report Form or, in lieu of such form, an applicant may submit a statement from a licensed ophthalmologist or optometrist. For the purposes of this Section, a Vision Specialist is an ophthalmologist or optometrist. The statement must be on a letterhead or prescription blank imprinted with the name, address, and title of the person making the certification. Such statement must contain the name and Drivers License Number or name, date of birth and sex of the applicant as well as the signature and certificate number of the applicant as well as the signature and certificate number of the person authorized to certify the vision examination. No statement

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shall be acceptable if the date of the vision examination is more than six months prior to the date of the applicable drivers license examination. Such statement or form shall contain a notation whether or not the applicant's condition is deteriorating, recommendations for driving restrictions compatible to the applicant's visual ability, (i.e., area limitations, speed limitations), recommendations for re-examination compatible to the applicant's visual stability, and an opinion by the Vision Specialist regarding the applicant's ability to safely operate a motor vehicle. Each report shall include a statement of release to the Office of the Secretary of State, which has been signed and dated in the presence of the Vision Specialist.

b) A vision specialist report form Vision Specialist Report Form or statement provided in lieu of such form, when submitted by an applicant who wishes to use a prescription spectacle mounted telescopic lens arrangement, shall contain the following:

- 1) A statement that the applicant has been fitted for a prescription spectacle mounted telescopic lens arrangement which the applicant has had in his possession at least 60 days prior to current application date for a drivers license.
- 2) A statement that the applicant has clinically demonstrated he can locate stationary objects within the telescopic field by aligning the object directly below the telescopic lens and then moving his head down and his eyes up simultaneously.
- 3) A statement that the applicant has clinically demonstrated locating a moving object in a large field of vision by anticipating future movement, so that by moving the head and eyes in a coordinate fashion he is able to locate the moving object within the telescopic field.
- 4) A statement that the applicant has clinically demonstrated recalling what he has observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.
- 5) A statement that the applicant has clinically experienced levels of illumination which may be encountered during inclement weather or when driving from daylight into areas of shadow or artificial light and the applicant is visually able to successfully adjust to such changes.
- 6) A statement that the applicant has experienced being a pedestrian and riding as a passenger in a motor vehicle, so that he has practical experience of motion while objects are changing position.

c) A driver, for an initial or renewal driver's license, who desires to use a telescopic lens arrangement, must submit a current and favorable telescopic lens vision specialist report to the Department.

- 1) If a current and favorable report is submitted, and the driver has satisfactorily completed the written requirements and has at least 3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens

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arrangement, the driver must complete a road test accompanied by a Driver Services facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with the proper restrictions will be issued in accordance with Section 1030.92 of this Part.

- 2) If a current and favorable report is submitted and the driver has satisfactorily completed the written requirements and does not have at least 3 years licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92 of this Part. At the end of the six month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a road test by a Drivers Services facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until his/her driving privileges have been reinstated.

- 3) If the report is incomplete or not current, a request shall be made to the driver or the licensed vision specialist for the necessary information required to process the report.

A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to Sections 6-201 and 6-103(8) of the Illinois Vehicle Code [625 ILCS 5/6-201 and 6-103(8)].

B) If the Department requests additional information from the licensed vision specialist and the Department does not receive this information, a written request shall be made to the driver.

C) If a cancellation order is entered based upon an incomplete report or one which is not current and a favorable report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received in the interim.

- 4) If the Department receives an unfavorable report, the Department shall cancel or deny the driver pursuant to Sections 6-103(3) and 6-201(a)(5) of the Illinois Vehicle Code.

A) If the Department receives a subsequent favorable report, the Department shall terminate the unfavorable report.

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cancellation order and allow the driver to make application for a new driver's license pursuant to Sections 1-110, 6-106 and 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-110, 6-106 and 6-109].

- B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:

- i) Driving during daylight hours only;
- ii) Eligibility for a Class "D" driver's license only;
- iii) Having his/her driving record periodically reviewed by the Department in accordance with Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].

- 5) A current telescopic lens vision specialist report shall be submitted annually.

A) If a current report is not received by the last day of the month the updated report is due, the driver shall be canceled or denied a driver's license.

B) If a driver is canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Alternative Loan Program
- 2) Code Citation: 23 Ill. Adm. Code 2721
- 3) Section numbers:

<u>Adopted Action:</u>
2721.10 Repealed
2721.20 Repealed
2721.30 Repealed
2721.40 Repealed
2721.50 Repealed
2721.60 Repealed
2721.70 Repealed
- 4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1818, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general,

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NOTICE OF ADOPTED REPEALER

ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 847/948-8500
 email: rmartine@isc016r1.state.il.us

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NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Alternative Loan Program
- 2) Code Citation: 23 Ill. Adm. Code 2721
- 3) Section Numbers:

2721.10	New
2721.20	New
2721.30	New
2721.40	New
- 4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)]
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Changes in this rulemaking were merely minor or technical in nature and were made in response to suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the Illinois Register and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules

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with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

Toward this end, ISAC has adopted several formatting changes to the rules for this program. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

ISAC anticipates that the proposed changes will make the rules more understandable for students, especially those who apply for and/or receive financial assistance pursuant to more than one of ISAC's scholarship, grant or loan programs. This proposed standardization is also expected to simplify program administration and, as a consequence, facilitate institutional efforts to remain in compliance with ISAC rules. Finally, standardizing the rules is a key component of ISAC's continuing efforts to integrate program systems and procedures and, as a result, reduce the overall cost and complexity of program administration.

No substantive changes have been made to this program. However, due to the number of formatting changes involved in implementing the new codification scheme, the previous Part is being repealed and entirely new rules are being adopted.

- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016r1.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2721

ALTERNATIVE LOAN PROGRAM

Section

2721.10 Summary and Purpose

2721.20 Borrower Eligibility

2721.30 Program Procedures

2721.40 Institutional Procedures

AUTHORITY: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8066, effective June 1, 1996, for a maximum of 150 days; emergency expired October 28, 1996; adopted at 20 Ill. Reg. 15061, effective November 4, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 1111, effective _____.

Section 2721.10 Summary and Purpose

a) In order to make postsecondary educational opportunities more accessible for qualified students, ISAC offers a program of alternative loans to supplement existing federal and State student financial assistance programs.

b) This Part establishes the rules which govern alternative loans made or administered by ISAC. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2721.20 Borrower Eligibility

a) A borrower for an alternative loan must be a student, parent or legal guardian of such a student who is:

- 1) enrolled, or accepted for enrollment, at an ISAC-approved institution which has certified the applicant as eligible for an alternative loan;
- 2) enrolled on at least a half-time basis, unless the student is employed full-time while s/he is in school, in which case s/he may receive a loan while enrolled less than half-time;
- 3) in good standing in accordance with the institution's policy of satisfactory academic progress; and
- 4) a citizen or eligible noncitizen of the United States.

b) The borrower, or co-signer if applicable, must be determined to be

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credit-worthy. In determining credit-worthiness, the lender shall consider information including, but not limited to, the following: debt-to-income ratio, payment histories, prior loan defaults, unsatisfied court judgments, real estate foreclosures, unsatisfied collection accounts, write-offs or repossessions.

Section 2721.30 Program Procedures

- a) An applicant may apply for an alternative loan by submitting an Application and Promissory Note approved by ISAC.
- b) The maximum loan amount may not exceed the cost of education for that student at the institution, less any other student financial assistance received by the student for that loan period.
- c) The institution shall provide the lender with a recommended loan amount for each loan. No alternative loan may exceed the institution's recommended amount.
- d) Institutions shall provide the lender with the current enrollment status of students at that institution who have received alternative loans.
- e) Prior to disbursement, the borrower, and co-signer if applicable, shall execute a completed Application and Promissory Note for the loan.
- f) The lender or holder shall retain a signed original of the Application and Promissory Note until the debt is paid in full.
- g) Alternative loan proceeds shall be transmitted directly to the institution on behalf of the student. Disbursement may be in the form of an individual check, a master check or by electronic funds transfer.
- h) An institution may require all individual loan checks to be made co-payable to the borrower and the institution.
- i) The institution shall supply the lender with recommended disbursement date(s) and amount(s) for each loan.
- j) Prior to initial disbursement of the loan, the lender shall provide the borrower with a disclosure statement which itemizes the amount financed, the interest rate and any corresponding fees.
- k) The terms and conditions set forth in the Application and Promissory Note and the disclosure statement will constitute the entire agreement between the lender and the borrower.
- l) The borrower(s) shall have the right to prepay all or part of an alternative loan at any time without penalty.
- m) The lender or holder shall notify the borrower of the date on which repayment begins, and such notice shall be sent no later than 30 days before the first payment on the loan is due from the borrower.
- n) No alternative loan shall be sold or transferred by a lender except to an ISAC-approved lender or holder or to ISAC. Such sale shall not change the party to whom payment is made on the loan.
- o) The lender may charge the borrower an insurance premium on each alternative loan and may deduct this amount from the loan proceeds at

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the time of disbursement. The amount of the insurance premium may vary according to the credit-worthiness of the borrower, and co-signer if applicable, and will be disclosed in writing to the borrower prior to the initial disbursement of loan proceeds.

p) The lender may charge the borrower a repayment fee on each alternative loan. This fee may be assessed on the loan balance according to the terms specified in the Application and Promissory Note. The amount of the repayment fee will be added to the outstanding balance of the loan.

q) The lender may charge the borrower a late fee of up to 5% of the loan balance (principal plus all capitalized interest and fees) if any part of an installment payment is not received by the lender within 60 days after it becomes due. Additional late charges of up to 5% of the loan balance may be charged for each additional 30 day period if the borrower fails to make any part of an installment payment.

Section 2721.40 Institutional Procedures

- a) Institutions must have executed Program Participation Agreements with ED and with ISAC in order to participate in ISAC-administered Alternative Loan Programs.
- b) Institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations (see, e.g., 34 CFR 668.15 and 668.16), in order to begin and to continue participation in ISAC-administered Alternative Loan Programs.
- c) Eligible institutions may not have federal cohort default rates, calculated and announced by ED for the three most recent fiscal years, in excess of the rates annually established and publicized as acceptable by ISAC.
- d) Institutions shall be subject to the audit and investigation conditions outlined in General Provisions, including those relating to audits and investigations, 23 Ill. Adm. Code 2700.60.
- e) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original application for participation, or required by federal regulations, may be subject to administrative Limitation, Suspension or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section numbers:
2771.10 Repealed
2771.20 Repealed
2771.30 Repealed
2771.Appendix A Repealed
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act (110 ILCS 920/8).
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1829, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures).

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Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

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NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section Numbers: Adopted Action:
2771.10 New
2771.20 New
2771.30 New
2771.40 New
2771.APPENDIX A New
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Changes in this rulemaking were merely minor or technical in nature and were made in response to suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules

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with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

No substantive changes have been made to this program. However, due to the number of formatting changes involved in implementing the new codification scheme, the previous Part is being repealed and entirely new rules are being adopted.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

Appendix A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11021.02, effective .

Section 2771.10 Summary and Purpose

a) The Baccalaureate Savings Act [110 ILCS 920/8] authorizes the sale of Illinois college savings bonds and provides for a grant program as an additional financial incentive to encourage the use of proceeds from matured bonds at Illinois colleges or universities.

b) This Part establishes rules which govern the Bonus Incentive Grant (BIG) Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

c) The purpose of this Part is to establish the conditions and procedures for a bond holder to designate a student beneficiary as the recipient of a Bonus Incentive Grant and to outline the process by which a student beneficiary applies for and obtains this grant.

Section 2771.20 Applicant Eligibility

a) A bond holder shall:

- 1) be able to furnish documentation which demonstrates that s/he has continuously owned the Illinois college savings bond(s) for at least the 12 months preceding the date of maturity or for an Illinois college savings bond(s) with an original maturity date of less than 12 months that s/he has owned the bond(s) for at least the six months preceding the date of maturity, unless the bond(s) were acquired by gift or under the laws of descent and

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distribution; and

- 2) use at least 70 percent of the bond proceeds for costs incident to enrollment which are reasonably incurred by the student beneficiary during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel, and other personal expenses related to attendance at the eligible institution of higher learning.

b) A student beneficiary shall:

- 1) be designated by a bond holder as the recipient of a grant pursuant to this Part;
- 2) be the beneficiary of at least 70 percent of the bond proceeds paid at maturity;
- 3) not be designated as the beneficiary of more than \$25,000 worth of bond proceeds in any single academic year; and
- 4) be enrolled on at least a half-time basis at an institution of higher learning which is not organized solely for the purpose of religious instruction.

Section 2771.30 Program Procedures

a) Application Procedures

- 1) Applications for a Bonus Incentive Grant (BIG) shall be available from the Illinois Student Assistance Commission (ISAC) and institutions of higher learning.

2) A complete application for BIG assistance shall include certifications from: the bond holder(s), the student beneficiary and the Registrar of the institution of higher learning at which the student beneficiary is enrolled.

- 3) A bond holder or a student beneficiary may submit a BIG application at any time between August 1 and May 30 for a grant spanning that same academic year. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.

- 4) ISAC may require applicants to provide documentation verifying that the bond holder owned the bonds for the requisite length of time.

- 5) One student beneficiary may be designated for each bond redeemed. In cases where two individuals jointly own a college savings bond, only one student beneficiary may be designated.

b) Application Certifications

- 1) The bond holder(s) shall certify the following for the academic year in which the application is being submitted:
 - A) that the aggregate compound accreted value at maturity of the college savings bond(s) was not more than \$25,000;
 - B) that at least 70 percent of the proceeds of the college savings bond(s) have been or will be used for costs incident to enrollment incurred by the student beneficiary during an academic year;

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- C) the name of the student beneficiary;
 - D) that no other student has been designated as the student beneficiary for the same college savings bond; and
 - E) the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured.
- 2) The student beneficiaries shall certify the following:
- A) that their address, social security number and other identifying information is accurate;
 - B) that the bond holder has provided financial assistance, in the amount indicated on the application;
 - C) that they are enrolled at an eligible institution of higher learning and in an academic program that is eligible for BIG assistance;
 - D) that they will use their BIG proceeds to finance costs incident to their enrollment which are reasonably incurred during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to attendance at the institution of higher learning; and
 - E) that they will not use their BIG proceeds to finance costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional person in the field of religion.

- c) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:

- 1) the compound accreted value of the bonds shall not exceed \$25,000 in any given academic year;
Example: A BIG could not be claimed for more than 5 bonds of \$5,000 compound accreted value each in any given year. Even if 12 bonds of \$5,000 compound accreted value each, or \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000.
- 2) 70 percent of the compound accreted value of the bonds for which a BIG is being claimed in a given academic year does not exceed the beneficiary's cost of attendance at the institution of higher learning for that year.
Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a compound accreted value in excess of \$20,000. Even if 5 bonds of \$5,000 compound accreted value each, or \$25,000 total, had been purchased on behalf of the beneficiary, in this case a BIG could be paid only on the first \$20,000.
- d) Both the proceeds of the bond(s) and the BIG assistance must be used by the student beneficiary in the academic year in which the bond was

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- e) redeemed or in the academic year immediately following redemption. Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.

Section 2771.40 Institutional Procedures

- a) The institution shall certify that the student beneficiary is enrolled at least half time.
- b) BIG proceeds will be paid to institutions of record; however, proceeds may be remitted directly to the student beneficiary if the institution designates ISAC as its disbursing agent for this purpose.

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Section 2771.APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	11/89 Bond Sale	11/90 Bond Sale	9/91 Bond Sale
1991	-	-	\$ 40	-	-
1992	-	-	\$ 60	\$ 40	-
1993	\$100	\$100	\$ 80	\$ 60	\$ 40
1994	\$120	\$120	\$100	\$ 80	\$ 60
1995	\$140	\$140	\$120	\$100	\$ 80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360
2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	-	\$420

* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

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GRANT AMOUNT PER \$5000 COMPOUND
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94
1994	\$40	-	-
1995	\$60	\$40	\$15
1996	\$80	\$60	\$40
1997	\$100	\$80	\$60
1998	\$120	\$100	\$80
1999	\$140	\$120	\$100
2000	\$160	\$140	\$120
2001	\$180	\$160	\$140
2002	\$200	\$180	\$160
2003	\$220	\$200	\$180
2004	\$240	\$220	\$200
2005	\$260	\$240	\$220
2006	\$280	\$260	\$240
2007	\$300	\$280	\$260
2008	\$320	\$300	\$280
2009	\$340	\$320	\$300
2010	\$360	\$340	\$320
2011	\$380	\$360	\$340
2012	\$400	\$380	\$360
2013	\$420	\$400	\$380
2014	-	\$420	\$400
2015	-	\$440	\$420
2016	-	-	\$440

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: David A. DeBolt Teacher Shortage Scholarship (DTSS) Program

2) Code Citation: 23 Ill. Adm. Code 2764

3) Section numbers: Adopted Action:

2764.10 Repealed

2764.20 Repealed

2764.30 Repealed

2764.40 Repealed

2764.50 Repealed

4) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

5) Effective Date of Rule(s): July 18, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 18, 1997

9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1846, February 14, 1997

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or

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alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

1) Heading of the Part: David A. DeBolt Teacher Shortage Scholarship (DTSS) Program

2) Code Citation: 23 Ill. Adm. Code 2764

3) Section Numbers: Adopted Action:

2764.10	New
2764.20	New
2764.30	New
2764.40	New

4) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

5) Effective Date of Rule(s): July 18, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 18, 1997

9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, several substantive modifications were made in response to public comment.

Section 2764.30(k)(2) was changed to demonstrate that the teaching requirement must be fulfilled within five years following completion (rather than termination) of the program for which the scholarship was awarded. A person cannot teach unless s/he completes the program for certification. Section 2764.30(l)(5) was added to allow for an extension of the five year period, within which the teaching requirement must be fulfilled, for students who need additional coursework for ISBE approval to teach in specialized teacher shortage disciplines. Section 2764.30(m)(5) was amended to clarify that an extension of the ten year repayment period is allowable for persons who withdraw from courses leading to teacher certification as long as they remain enrolled in another undergraduate discipline on at least a half-time basis for a time period which may not exceed three years. The three year maximum extension parallels similar provisions within that subsection and will provide an

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incentive for a student to complete his or her college education in a reasonable amount of time.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria

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that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program and in response to a concern raised by staff of the Illinois State Board of Education (ISBE), a provision has been added allowing applicants to qualify for this scholarship if they are pursuing additional coursework to teach in specialized teacher-shortage programs approved by ISBE. This addition will enable those who are certified in one shortage discipline to study in another area where a shortage exists. Further, these adopted rules more clearly specify when a scholarship converts to a loan, under what circumstances repayment can be deferred and when the ten-year time period for fulfilling the teaching obligation may be extended.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP (DTSS) PROGRAM

Section

2764.10 Summary and Purpose

2764.20 Applicant Eligibility

2764.30 Program Procedures

2764.40 Institutional Procedures

AUTHORITY: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed and New Part adopted at 21 Ill. Reg. 11323, effective July 18, 1997.

Section 2764.10 Summary and Purpose

- a) The David A. DeBolt Teacher Shortage Scholarship encourages academically talented students to pursue careers as public preschool, elementary and secondary school teachers in disciplines that have been designated as teacher shortage disciplines in the State of Illinois with a priority given to minority students.
- b) This Part establishes the rules which govern the David A. DeBolt Teacher Shortage Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2764.20 Applicant Eligibility

- a) A qualified applicant shall be:

- 1) a United States citizen or eligible noncitizen;
- 2) a resident of Illinois;
- 3) a high school graduate or a person who has received a General Educational Development Certificate (GED);
- 4) enrolled, or accepted for enrollment, on at least a half-time basis at the sophomore level or above at an institution of higher learning; and
- 5) pursuing a postsecondary course of study leading to initial certification in a teacher shortage discipline or pursuing additional coursework needed to gain Illinois State Board of

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Education (ISBE) approval to teach in an approved specialized teacher shortage program.

- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Tuition Waiver Program (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

Section 2764.30 Program Procedures

- a) All applicants must complete the form which the U.S. Department of Education designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)
- b) A completed ISAC application for the David A. DeBolt Teacher Shortage Scholarship Program must be received in ISAC's Deerfield office on or before the May 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield, and Chicago offices.

2) ISAC will mail renewal ISAC applications to all qualified students who received DeBolt Teacher Shortage Scholarships during the preceding academic year.

3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
- 2) Expected Family Contribution (EFC), from the lowest to the highest;
- 3) minority students shall receive priority consideration; and
- 4) renewal applicants shall receive priority consideration provided the student:

- A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;

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- B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- e) A recipient may receive up to 8 semesters/12 quarters of scholarship assistance under this program.
 - f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
 - g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
 - h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.
 - i) ISAC shall annually establish and publicize guidelines for the awarding of DeBolt Teacher Shortage Scholarships.
 - j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a DeBolt Teacher Shortage Scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a DeBolt Teacher Shortage Scholarship.
 - k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:
 - 1) a pledge on the part of the recipient to teach, on a full-time basis, in the teacher shortage discipline for which the recipient applied one year for each year of scholarship aid received or for any portion of a year for which aid was received, under this Part;
 - 2) a stipulation that such teaching requirement will be fulfilled within the five-year period following completion of the postsecondary education degree or certificate program for which the scholarship was awarded;
 - 3) a stipulation that such teaching requirement will be fulfilled at an Illinois public preschool, elementary or secondary school;
 - 4) a stipulation that, if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to new student loans made under the Federal Family Education Loan Program and, if applicable, reasonable collection fees; and
 - 5) a further stipulation that the recipient agrees to provide ISAC

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with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).

1) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States armed services; or
- 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
- 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
- 4) is actively seeking but unable to find employment as a teacher at an Illinois public preschool, elementary or secondary school, for a single period not to exceed two years and is able to provide evidence of that fact; or
- 5) is pursuing additional coursework, on at least a half-time basis, needed to gain ISBE approval to teach in a specialized teacher shortage discipline.

m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States armed services; or
- 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
- 3) is pursuing a graduate course of study and is enrolled on a full-time basis for a single period of time not to exceed three years; or
- 4) is seeking and unable to find full-time employment for a single period not to exceed two years and is able to provide evidence of that fact; or
- 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for a single period of time not to exceed three years.

n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, s/he shall not be required to make payments and interest shall not accrue.

o) A recipient shall enter repayment status on the earliest of the following dates:

- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in a designated teacher shortage discipline, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
- 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or

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3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the scholarship was awarded.

p) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

Section 2764.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipient(s).

e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the term(s) for which the award was intended, the institution shall return the total amount of the scholarship to ISAC.

g) Scholarship Amount

1) DeBolt Teacher Shortage Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable.

2) The annual scholarship amount shall be computed by the institution and be the lesser of:

- A) tuition and fees plus room and board expenses charged by the institution;
- B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus; or
- C) \$5,000.

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- 3) The total amount of DeBolt Teacher Shortage Scholarship assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 4) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the DeBolt Teacher Shortage Scholarship.

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- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)

- 2) Code Citation: 23 Ill. Adm. Code 2720

- 3) Section Numbers: Adopted Action:

2720.5	Amended
2720.6	Repealed
2720.10	Amended
2720.20	Amended
2720.25	Amended
2720.30	Amended
2720.35	Amended
2720.40	Amended
2720.41	Amended
2720.42	Amended
2720.50	Amended
2720.55	Amended
2720.60	Amended
2720.70	Amended
2720.80	Amended
2720.90	Amended
2720.105	Amended
2720.120	Amended
2720.130	Amended
2720.200	Amended
2720.210	Amended
2720.220	Amended

- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

- 5) Effective Date of Amendment(s): July 18, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: July 18, 1997

- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

- 11) Difference(s) between proposed and final version: All of the changes in this rulemaking were merely minor or technical in nature and were made in

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response to comments from the public or suggestions from JCAR staff.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

In addition to making minor technical and grammatical changes throughout this Part, ISAC repealed Section 2720.6, and moved those definitions to General Provisions, 23 Ill. Adm. Code 2700.20. Section 2720.70, which outlines reimbursement procedures for lenders and holders, has been updated to include federal loan forgiveness for borrowers who were attending a school when it closed or whose loan eligibility had been falsely certified by a school. This change mirrors the amendments to federal regulations which are codified at 34 CFR 682.402.

- 16) Information and questions regarding these adopted amendment(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

The full text of the adopted amendment(s) begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions (Repealed)
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Institution Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Holder Eligibility
2720.35	Procedures for Obtaining a Guaranteed Loan
2720.40	One-Lender Requirement
2720.41	One-Holder Requirement
2720.42	Procedures for Disbursement and Repayment
2720.50	Federal Consolidation Loan Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	Guarantee Transfers
2720.90	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

SUBPART C: ISAC ORIGINATED LOANS

Section	ISAC Originated Consolidation Loans
2720.200	Illinois Opportunity Loan Program (IOP)
2720.210	Federal Family Education Loans (FFEL)
2720.220	

APPENDIX A Required Activities of Educational Lenders (Repealed)

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AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11148, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STARFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.5 Summary and Purpose

- a) The Federal Family Education Loan Program (FFELP) is authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), and is administered by the United States Department of Education (ED), guaranty agencies, educational institutions and lenders.
- b) This Part establishes rules which govern ISAC-guaranteed loan programs. ~~Guaranteed--Loan--Programs.~~ Additional rules and definitions are contained in the General Provisions, ~~Part--at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.~~
- c) Federal regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational institutions and lenders. This Subpart implements ISAC's discretionary authority as a guaranty agency ~~Guarantee-Agency.~~

(Source: Amended at 21 Ill. Reg. 11132, effective _____)

Section 2720.6 Definitions (Repealed)

~~"Academic Year"--For the purposes of this Part, is defined as Section 481(d)(2) of the Higher Education Act, as amended, and at 34-EPB 668-2.~~

~~"Co-maker"--One of the two individuals who are joint borrowers either on a Federal Consolidation loan or on a Federal PLUS loan that was certified prior to January 1, 1995, and who are equally liable for repayment of the loan. (See 34-EPB 682-200.)~~

~~"Consolidation"--A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 420E of the HEA, as amended.~~

~~"Default--Status"--The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.~~

~~"Delinquency"--For the purposes of this Part, is defined at 34-EPB 682-411(b).~~

~~"Disbursement"--The process of transferring funds from the lender to the borrower. Educational institutions participate in the~~

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Disbursement-process:

"Educational Lender"---An educational institution which meets the lender-eligibility criteria outlined in Section 2720.25.

"Endorser"---A person who is secondarily liable for the repayment of a Federal PLUS loan obligation.

"Federal Regulations"---Regulations promulgated by ED and codified at 34-CFR-666 and 682.

"FFBPA"---The acronym for the Federal Family Education Loan Program as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford loans, Federal PLUS loans, Federal SLS loans, and Federal Consolidation loans.

"Full-time Student"---For the purposes of this Party, is defined at 34 CFR-602.200.

"Half-time Student"---For the purposes of this Party, is defined at 34 CFR-602.200.

"Holder"---An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC Guaranteed Loans from approved lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SBLM) are examples of approved holders.

"IDAPP"---The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program law (110 ICS-947/125 through 170).

"Lender"---Defined by Section 435 of the Higher Education Act of 1965 as amended (20 U.S.C.A. 1095).

"Master Check"---A single check representing the loan proceeds for more than one borrower.

"PLUS"---A Federal program which provides loans to parents of certain students as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act (110 ICS-947/80 through 175).

"SLS"---The acronym for the Federal Supplemental Loans for Students program as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and Sections 80 through 175 of

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the Higher Education Student Assistance Act (110 ICS-947/80 through 175). No new SLS loans have been made for periods of enrollment beginning on or after July 1, 1994. The SLS program has been merged into the unsubsidized component of the Stafford loan program and no longer exists as a separate program. All conditions and benefits applicable to existing SLS loans will continue for those loans. Also to the extent that current unsubsidized Stafford loans have different conditions and benefits than under the merged program, those loans retain those different conditions and benefits. See 110 ICS-947/80 commonly known as the Omnibus Budget Reconciliation Act of 1993.

"Stafford"---Subsidized and unsubsidized Federal Stafford loans to eligible borrowers as authorized by Sections 477, 428 and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078) and Sections 80 through 175 of the Higher Education Assistance Act (110 ICS-947/80 through 175).

(Source: Repealed at 21 Ill. Reg. 1133, effective 1/1/94)

Section 2720.10 Eligibility for ISAC Loan Guarantees

- Applicants may apply for a loan guarantee by submitting a common ED-approved application form.
- Eligibility requirements for guaranteed loans Guaranteed Loans are established by federal regulations Federal Regulations (34 CFR 682.201).
- The student must be enrolled Enrolled, or accepted for enrollment, at an approved postsecondary institution Institution which has certified the applicant Applicant as eligible for a guaranteed loan Guaranteed loan.
- An applicant Applicant shall not be disqualified for a loan guarantee by ISAC if the lender Lender, the institution Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), of federal regulations Federal Regulations and of this Subpart.
- No loan guarantee shall be issued if such loan would exceed the aggregate amount permitted such borrower, as specified by federal regulations Federal Regulations (34 CFR 682.204).
- The institution Institution shall compute a recommended loan amount for each applicant Applicant in accordance with Section 425(a)(1)(C) of the Higher Education Act, as amended. No guaranteed loan Guaranteed loan may exceed the institution's Institution's recommended amount.

1) When certifying loan eligibility for an academic year Academic year which will span academic levels Academic levels, the institution's Institution's recommended loan amount shall not

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exceed the maximum permitted for the applicant's academic level Applicant's Academic Level at the time of certification.

- 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that academic year Academic Year. (See Section 484 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1091) and 34 CFR 668.7(a)(9).)

(Source: Amended at 21 Ill. Reg. 1103, effective 1103)

Section 2720.20 Lender Eligibility

a) Lender Agreement

- 1) All approved lenders lenders must execute an ISAC Lender Agreement lender-agreement prior to participating in the Federal Family Education Loan Program through ISAC. Lenders wishing to serve as lenders-of-last-resort lenders-of-last-resort are required to sign an additional Agreement agreement which includes the provisions of Section 428(j) of the Higher Education Act, as amended.

- 2) Lenders must have received ED approval prior to executing a Lender Agreement lender-agreement.

- 3) The Lender Agreement lender-agreement shall include provisions requiring lenders lenders to:

- A) Comply with statutes, federal regulations Federal Regulations, rules Rules, published policies and procedures; and

- B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations Federal Regulations. (See Sections 2720.60(a) and 2720.70(c).)

- 4) Lenders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the lender bender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the lender bender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is those directly related to the administration of ISAC's guaranteed loan Guaranteed--loan programs.

- 5) Termination of the Lender Agreement lender-agreement may be made by either the lender bender or ISAC with 30 days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

- b) Eligible lenders benders shall employ an adequate number of qualified persons to administer their responsibilities under the ISAC's rules

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ISAC-Rules. In determining whether a lender bender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

- c) In addition to the provision of subsection (a), the Lender Agreement lender--agreement for insurance companies approved as lenders benders shall require:

- 1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and
- 2) compliance with Sections 421 through 434 of the Illinois Insurance Code [215 ILCS 5/421 through 434], which prohibit unfair methods of competition and unfair and deceptive acts and practices (215-1165-5/421-through-434).

- d) A loan guarantee shall be cancelled if the lender bender fails to comply with federal regulations Federal-Regulations, statutes, ISAC's Rules Rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the lender bender for the defaulted loan.

- e) ISAC conducts compliance reviews to determine if approved lenders benders are complying with federal regulations Federal-Regulations, statutes and rules Rules.

- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the lender's benders qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.

(Source: Amended at 21 Ill. Reg. 1103, effective 1103)

Section 2720.25 Educational Institution Lender Eligibility

- a) Educational lenders benders must meet the eligibility requirements of institutions institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for lenders benders as outlined in Section 2720.20, Lender Eligibility. Also, educational lenders educational--benders must comply with all federal regulations Federal-Regulations related to the origination, disbursement and servicing of a loan. (See, e.g., 34 CFR 682.601.)

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b) Illinois educational institutions Institutions may be approved as lenders Benders by the Commission if approved by ED and if the following requirements are met.

1) The specific materials to be provided by an institution Institution in seeking approval as an eligible lender Bender are:

A) An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;

B) An institutional catalog, and a statement of the institution's Institution's educational costs and refund policies;

C) A statement of the institution's Institution's default/delinquency experience as a lender Bender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the institution's Institution's service agency, if any, with respect to such records;

D) A statement which demonstrates the institution's Institution's administrative ability to comply with all servicing requirements of the program;

E) Bank and other credit references and a release to permit ISAC to inquire of these references;

F) A statement explaining the source of the institution's Institution's lending capital;

G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years; and

H) Any other materials which might be requested by ISAC to show the institution's Institution's potential qualifications as a lender Bender.

2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:

A) copy Copy of its student contract;

B) description Description of its admission/sales staff and their functions;

C) statement Statement of the institution's Institution's drop-out/completion rates;

D) sample Sample of the institution's Institution's advertising materials; and

E) description Description or copies of student complaints filed with the institution Institution in the last two

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years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the institution's institution's accrediting association.

3) The applications for eligible educational lender Educational Bender status in the programs Programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant institution Institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The applicant institution Applicant--institution shall also be informed of the recommendations for its annual lending limit, as well as any additions to the lender agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The institution Institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the institution Institution is approved by the Commission as an educational lender Educational Bender, ISAC will execute a Lender Agreement which will include:

A) the institution's the--institution's agreement to abide by the rules Rules of ISAC;

B) a statement of agreement including, or referring to, the list of required activities of educational lenders Educational--Benders as outlined in 34 CFR 682.601;

C) a statement of agreement including, or referring to, the federal regulations Federal--Regulations with respect to loan disbursements Disbursements and refund application;

D) a statement of agreement including, or referring to, the federal regulations Federal--Regulations definition of "due diligence"; and

E) an expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.

c) A loan guarantee shall be canceled if the educational lender Educational--Bender fails to comply with federal regulations Federal Regulations, statutes, ISAC Rules Rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the educational lender Educational--Bender for the defaulted loan.

d) ISAC conducts compliance reviews to determine if approved educational lenders Educational--Benders are complying with federal regulations Federal--Regulations, statutes and rules Rules.

e) Educational lenders Benders that do not maintain the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations Federal--Regulations, may be subject to administrative

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limitation, suspension or termination proceedings Limitation, Suspension or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)
 (Source: Amended at 21 Ill. Reg. 4193, effective July 1, 1987)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations Federal Regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence institutions Institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs Guaranteed Loan Programs. (See 34 CFR 688.14.)
- c) When an approved institution institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations Federal Regulations, the institution's institution's Program Participation Agreement with ED may be terminated. After an institution institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution institution may have its eligibility reinstated by the execution of a new Program Participation Agreement with ED (see e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

- d) An institution institution may not engage in loan origination activities. This prohibition shall not apply if the institution institution has an ED-approved Origination Agreement on file with ISAC and the institution institution has been approved as an educational lender Educational Lender. (See Section 2720.25 of this Part and 34 CFR 682.601.)

- e) Approved institutions institutions shall provide ISAC with the current enrollment status of students whom the institution institution has certified as eligible borrowers in accordance with federal regulations Federal Regulations. (See 34 CFR 682.610(c).)

- f) Applicant and approved institutions institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations Federal Regulations, in order to begin and to continue participation in ISAC-guaranteed loan Guaranteed Loan programs. (See, e.g., 34 CFR 688.14 and 688.15.)

- g) Institutions wishing to participate in ISAC-guaranteed loan Guaranteed Loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited

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financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulation and State state statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

- h) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations Federal Regulations, may be subject to administrative limitation, suspension or termination proceedings Limitation--Suspension--or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)

- i) A foreign postsecondary educational institution institution, located outside of the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.

(Source: Amended at 21 Ill. Reg. 4193, effective July 1, 1987)

Section 2720.35 Holder Eligibility

- a) All approved holders Holders must execute an ISAC Holder Agreement agreement prior to participating in the subsidized and unsubsidized Federal Stafford, Federal PLUS, Federal SLS or Federal Consolidation Loan Loan Programs programs.

- b) Holders must have received ED approval prior to executing a Holder Agreement agreement.

- c) The Holder Agreement agreement shall include provisions requiring holders Holders to:
 1) comply comply with statutes, federal regulations, rules, published policies Federal Regulations, Rules, and procedures; and

- 2) provide provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations Federal Regulations. (See Sections 2720.60(a) and 2720.70(c).)

- d) Holders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the holder Holder with program documentation and reasonable technical assistance related to

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electronic data exchanges. ISAC and the holder Holder shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is those directly related to the administration of ISAC's guaranteed loan Guaranteed-Loan programs.

e) Termination of the Holder Agreement agreement may be made by either the holder Holder or ISAC with 30 days' days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

f) Eligible holders Holders shall employ an adequate number of qualified persons to administer the holders' its responsibilities under ISAC's rules the-ISAC-Rules and federal regulations Federal-Regulations. In determining whether a holder Holder employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered. g) In addition to the provisions of subsection (c), the Holder Agreement agreement for insurance companies approved as holders Holders shall require:

1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and

2) compliance with Article XXVI of the Illinois Insurance Code [215 ILCS 5/Art. XXVI].

h) A loan guarantee shall be canceled if the holder Holder fails to comply with federal regulations Federal-Regulations, statutes, ISAC rules Rules, published policies or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the holder Holder for the defaulted loan.

i) ISAC conducts compliance reviews to determine if approved holders Holders are complying with federal regulations Federal-Regulations, statutes and rules Rules.

j) Holders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the holder's Holders's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.

(Source: Amended at 21 Ill. Reg. 11030, effective July 1, 200)

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a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.

b) All loans are made at the lender's Bender's discretion. When a lender Bender rejects a borrower's application/promissory note, the lender Bender shall issue a notice of non-acceptance to the borrower.

c) Lender-of-last-resort Bender-of-last-resort requirements

1) An applicant Applicant who is eligible for a subsidized or unsubsidized Stafford loan guarantee pursuant to Section 2720.10 of this Part and who has received two denials from notices--of non-acceptance can request that ISAC make a referral to a lender-of-last-resort Bender--of--last---resort provided the applicant Applicant:

A) submits a written request for a lender-of-last-resort Bender of--last--resort loan referral to ISAC, which is accompanied by two denials from notices--of--non-acceptance issued--by ISAC-approved lenders;

B) receives loan counseling information specifically designed to benefit an applicant Applicant seeking a lender-of-last-resort Bender-of-last-resort loan; and

C) attends an ISAC-approved institution institution. ISAC, within 60 days, will refer applicants Applicants to lenders-of-last-resort Benders-of-last-resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part within-60-days.

3) ISAC will act as a lender-of-last-resort Bender-of-last-resort or will refer the applicant Applicant to the Student Loan Marketing Association if it cannot refer the applicant Applicant to a lender-of-last-resort Bender-of-last-resort willing to make a subsidized or unsubsidized Stafford loan Guaranteed-Loan within 60 days.

d) The availability of an ISAC-guaranteed loan Guaranteed-Loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.

e) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f) At the lender's Bender's discretion and in accordance with federal regulations, endorsees Federal-Regulations--Endorsees may be used for Federal PLUS Loans loans.

g) Lenders shall obtain the names and addresses of at least two references from each loan applicant Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

h) When certifying a borrower eligible for a loan guarantee, the institution institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-7). Should the institution institution fail to provide ISAC a disbursement schedule that is

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consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 21 Ill. Reg. 1133, effective July 1, 1993)

Section 2720.41 One-Lender Requirement

a) All of a borrower's outstanding ISAC-guaranteed loans Guaranteed-Boans must be made by the same lender Bander, subject to the following conditions:

1) ISAC will issue a loan guarantee to a commercial lender Bander provided that lender Bander agrees to make all types of Federal Family Education Loans (FFEL) to the borrower which the borrower requests and is eligible to receive, and:

- A) the loan is the borrower's first ISAC-guaranteed loan Guaranteed-Boan;
- B) the loan is a subsequent loan and the commercial lender Bander has issued all of the borrower's previous ISAC-guaranteed loans Guaranteed-Boans; or
- C) the loan is a subsequent loan and the commercial lender Bander holds or has purchased all outstanding ISAC-guaranteed loans Guaranteed-Boans for that borrower from previous commercial lender(s) Bander(s), in accordance with Section 2720.42 of this Part.

2) ISAC will issue a loan guarantee to an educational lender Educational-Bander provided that lender Bander agrees to make all types of FFEL to the borrower which the borrower requests and is eligible to receive, and:

- A) the lender Bander is an educational institution Institution at which the borrower is currently enrolled Enrolled; and
- B) the borrower has previously made a good faith effort to obtain a loan from a commercial lender Bander pursuant to federal regulations Federal-Regulations. (See 34 CFR 682.601.)

b) The requirements of this Section shall not apply if:

- 1) the outstanding loans are held by a lender Bander which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs;
- 2) ISAC is informed by the borrower, the institution Institution, or its agent that the borrower has provided authorization to have subsequent loans issued by a different lender Bander;
- 3) the borrower is requesting a subsequent loan and the lender Bander has made a previous ISAC-guaranteed loan Guaranteed-Boan to that borrower for that loan program with a guarantee date prior to July 1, 1993; or
- 4) the borrower's outstanding loan(s) was made in accordance with

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Section 2720.40(c) of this Part, by a lender-of-last-resort Bander-of-last-resort.

(Source: Amended at 21 Ill. Reg. 1133, effective July 1, 1993)

Section 2720.42 One-Holder Requirement

a) All of a borrower's outstanding ISAC-guaranteed loans Guaranteed-Boans must be sold by a lender Bander to the same holder Holder.

1) If the lender Bander has sold any of a borrower's previous

ISAC-guaranteed Guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SLS Loan(s) to an approved holder Holder, the lender Bander shall sell all subsequent loans to the same holder Holder by no later than 90 days from the borrower's last date of attendance or 180 days following the last

disbursement, whichever occurs later; or in the event of untimely notification to the lender Bander of a student's change in enrollment status, no later than 45 days after the lender Bander became aware that the student ceased to be enrolled on at least a half-time Half-time basis. (See Section 2720.130(d).)

2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans which were made under the same common Application/Promissory Note for loan periods within the same academic year Academic-Year must be sold simultaneously.

3) If the lender Bander has sold the applicant's Applicant's previous ISAC-guaranteed Guaranteed Federal PLUS Loans to an approved holder Holder, the lender Bander shall sell each subsequent Federal PLUS Loan for that borrower to the same holder Holder by no later than 90 days from the last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.

4) Upon notification by the holder Holder of the oldest previous loan, the holder Holder of any subsequent loan must sell that loan to the previous holder Holder, unless the borrower requests in writing that the previous holder Holder sell to the subsequent holder Holder.

b) Failure to sell the subsequent loan by the deadline shall result in the loss of guarantee.

- 1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, the holder Holder or lender Bander initiates the sale of the loan to the eligible holder Holder who purchased the applicant's Applicant's previous loan(s).
- 2) Initiation of the sale procedure within 90 days, and conclusion of the sale before the day the loan enters default status Default Status, will retroactively reinstate the guarantee to the day the

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guarantee was lost due to a violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, provided no other violation of federal regulation Federal-Regulation or State rule exists.

- 3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the holder Holder will also result in a permanent loss of guarantee for that loan.

c) The requirements of this Section shall not apply if:

- 1) the outstanding loans are held by a holder Holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.
- 2) ISAC is informed that the borrower has provided authorization to have subsequent loans held by a different holder Holder.

(Source: Amended at 21 Ill. Reg. 1133, effective 11/1/88)

Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations Federal-Regulations.
- b) Prior to disbursement Disbursement, the borrower(s) shall execute a completed Application/Promissory Note(s) application/promissory note(s) for the principal and interest on the loan(s). The lender Bender shall retain the original copy of the Application/Promissory Note application/promissory-note.
- c) The lender Bender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The lender Bender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the lender Bender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the lender Bender shall have received from ISAC evidence of a guarantee. The lender Bender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan loan proceeds shall be transmitted directly to the institution Institution.
 - 1) Federal Stafford Loan loan checks or electronically transmitted funds shall be payable to the student borrower unless the institution Institution requires all loan checks to be co-payable to the borrower and the institution Institution. Federal PLUS Loan loan checks shall be co-payable or sent via EFT to the institution Institution and the parent borrower. Federal Stafford or Federal PLUS Loan loan funds transferred either electronically or by Master Check shall be transmitted to the institution Institution along with information identifying the

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name of each student on whose behalf loan proceeds are being transmitted, and the amount being transmitted on behalf of that student.

- 2) If the proceeds have not been disbursed to the institution Institution within 60 days after the conclusion of the term term for which the loan was intended, or 90 days after the conclusion of the term, if exceptional circumstances are documented by the institution Institution in accordance with 34 CFR 682.207(d)(2)(iii), the loan guarantee will be canceled.

- 3) If the student has withdrawn from enrollment and federal regulations Federal-Regulations require the institution Institution to submit a refund to the lender Bender, either electronically or in the form of a check payable to the lender Bender on behalf of the borrower, the institution Institution shall provide simultaneous written notice to the borrower of the refund.

A) If the institution Institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.609) Federal-Regulations, the institution Institution shall pay penalty interest.

B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.

C) The penalty interest shall be paid to the lender Bender or subsequent holder Holder.

f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.

g) The lender Bender or holder Holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209 682-299. The lender Bender or holder Holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.

h) The lender Bender or holder Holder shall notify ISAC of payment in full or prepayment in full by the borrower.

i) In accordance with federal regulations Federal-Regulations, the lender Bender or holder Holder may extend the maturity date of any note.

j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations Federal-Regulations.

k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations Federal-Regulations.

1) ISAC provides lenders or holders Benders with the forms necessary for servicing their guaranteed loan Guaranteed-loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval,

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lenders benders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.

- m) No note shall be sold or transferred by the lender bender except to an ISAC-approved lender bender, an ISAC-approved holder bender, or ISAC.

(Source: Amended at 21 Ill. Reg. 11030, effective July 1, 1993)

Section 2720.55 Federal Consolidation Loan Program

- a) ISAC shall guarantee Federal Consolidation Loans loans pursuant to Section 428C of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-3).

- b) Lenders may make Federal Consolidation Loans loans provided participation in the Federal Consolidation Loan Program is authorized by the Lender Agreement tender-agreement. (See: Section 2720.20(a).)

- 1) ISAC shall initially authorize a lender bender to issue no more than \$5,000,000 in guaranteed Federal Consolidation Loans loans.

- 2) A lender bender may receive additional lending authority provided an ISAC compliance review indicates the lender bender is complying with federal regulations Federal-Regulations, statutes and rules Rules. (See: Section 2720.20(f).)

- c) All applications and promissory notes shall be in a form approved by ED. Lenders shall report to ISAC when a Federal Consolidation Loan loan is made.

- d) Lenders or holders shall request preclaim assistance and reimbursement on Federal Consolidation Loans loans in accordance with Sections 2720.60 and 2720.70.

- e) Lenders or holders shall pay the U.S. Department of Education all fees required by Section 428C(f) of the Higher Education Act, as amended, for Federal Consolidation Loans loans made on or after October 1, 1993.

(Source: Amended at 21 Ill. Reg. 11030, effective July 1, 1993)

Section 2720.60 Preclaim Assistance

- a) ISAC functions in a supplementary role to assist the lender bender or holder bender in its collection of a loan that is at least 90 days delinquent. After requesting preclaim assistance, the lender bender or holder bender shall continue with normal collection activity. The following information is requested with the request for assistance, if available:

- 1) name Name and Social Security Number (SSN);
- 2) employer's Employer's name and telephone number;
- 3) home Home address and telephone number;

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- 4) identification Identification of the problem;
- 5) date Date and amount of each payment;

- 6) loan Loan amounts; and

- 7) number Number of days delinquent.

- b) The request for preclaim assistance must be sent to ISAC no earlier than 80 days after the first day of delinquency Beingquency and no later than 100 days after the first day of delinquency Beingquency. For accounts paid less frequently than monthly (e.g., quarterly), the request for preclaim assistance must be filed no earlier than the 140th day of delinquency Beingquency and no later than the 160th day of delinquency Beingquency.

- c) For 10 or more accounts submitted in one month, the request for preclaim assistance and subsequent preclaim transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin immediately.

- d) If a borrower's address is unknown, the lender bender shall attempt to locate the borrower pursuant to federal regulations Federal Regulations. (See CFR 682.411.) The lender bender may file for preclaim or skip-tracing assistance when it has completed its skip-tracing skip-tracing efforts. If it has not already done so, the lender bender shall file for assistance within 10 days before or after either the 90th day of delinquency Beingquency for loans due monthly, or the 150th day for loans that are due less frequently than monthly.
- e) When a lender bender files for preclaim assistance, that lender bender is automatically filing for supplemental preclaim preclaims assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at 21 Ill. Reg. 11030, effective July 1, 1993)

Section 2720.70 Reimbursement Procedures

- a) if-a-borrower-dies-or-becomes-permanently-and--totally--disabled, The lender the--bender or holder bender shall request reimbursement from ISAC within 60 days from the date the lender bender or holder bender receives a completed request for loan cancellation or forgiveness due to death, total and permanent disability, attendance at a school that closes, or false certification by a school of a borrower's eligibility for a loan, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.502.)

- b) Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first day of delinquency Beingquency and no later than 270 days after the first day of delinquency Beingquency. The lender bender or holder bender shall be reimbursed, in accordance with federal regulations Federal-Regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan loan, the borrower, co-maker co-maker and endorser

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Endorser must meet the default criteria contained in federal regulations Federal-Regulations.

- c) The lender Bender or holder Holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations Federal Regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's Bender's or holder's Holder's receipt of notice that collection on the debt is stayed. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan loan, the borrower, co-maker co-maker and endorser Endorser must meet the bankruptcy criteria contained in federal regulations Federal Regulations.
- d) Prior to reimbursement, the lender Bender or holder Holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender Bender or holder Holder must have remitted the insurance premium established by Section 2720.80.
- f) The lender Bender or holder Holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the lender Bender or holder Holder shall execute a Hold Harmless Agreement hold-harmless-agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR Section 682.202(f) and (g)) of Federal Regulations, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the lender Bender.
- h) The lender Bender or holder Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations Federal-Regulations. (See, e.g., 34 CFR 682.411.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan Guaranteed-loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations Federal Regulations. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

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- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(1).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 fifteen days after and including of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations Federal Regulations (34 CFR 682.410(b)(5)(ii)(c)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.

(Source: Amended at 21 Ill. Reg. 11.000, effective 11.000)

Section 2720.80 Student Insurance Premium

- a) ISAC charges each borrower an insurance premium on each guaranteed loan Guaranteed-loan. The premium(s) collected by the lender Bender must be remitted to ISAC no less frequently than monthly.
- b) The amount of the premium collected on each loan shall be no greater than the maximum permitted by the Higher Education Act, as amended. The exact amount of the insurance premium shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.).
- c) Refunds of insurance premiums shall be made to the borrower in accordance with federal regulations Federal-Regulations. (See 34 CFR 682.401(b)(10)(vi).)
- d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with federal regulations Federal Regulations, such proceeds may only be used to reimburse lenders.

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lenders for defaulted guaranteed loans **Guaranteed-Boans**, to pay for the administrative expenses of ISAC or to pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at 21 Ill. Reg. 1103, effective 1103)

Section 2720.90 Guarantee Transfers

a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended (20 USCA 1078(b)), provided:

- 1) the loan guarantees are insured (see Section 428(b) of the HEA);
 - 2) an agreement has been entered into between ISAC and:
 - A) the other guaranty agency;
 - B) an agent of the guaranty agency, who has been approved by the U.S. Secretary of Education; or
 - C) the U.S. Secretary of Education or an agent thereof;
 - 3) the transfer has been approved by the holder **Holder** of the loan.
- b) Notwithstanding any provision of Section 2720.42, regarding all loans being held by one holder **Holder**, a loan guarantee may be transferred to ISAC from another guaranty agency.

(Source: Amended at 21 Ill. Reg. 1103, effective 1103)

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2720.105 Summary and Purpose

a) The Commission provides a secondary market for ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of lenders **lenders** and increases the availability of guaranteed loans **Guaranteed Boans**.

b) Through IDAPP, ISAC purchases eligible loans from IDAPP-eligible lenders **lenders**. Sales to ISAC are conditional upon the execution of a contract between the eligible lender **lender** and ISAC, and the eligible lender's **lender's** good faith compliance with the contract.

c) Also through IDAPP, ISAC services eligible loans from IDAPP-eligible lenders **lenders**. Services provided pursuant to this Subpart are conditional upon the execution of a contract between the eligible lender **lender** and ISAC.

(Source: Amended at 21 Ill. Reg. 1103, effective 1103)

Section 2720.120 IDAPP Eligible Loans

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a) Original Contract Program

1) ISAC will purchase guaranteed loans **Guaranteed-Boans** which are no more than 90 days delinquent on installments of principal or interest and guaranteed loans **Guaranteed-Boans** for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.

2) Under this program ISAC will also purchase guaranteed loans **Guaranteed-Boans** in deferred status because of the borrower's unemployment or which have been granted a forbearance by the lender **lender**.

3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

b) The loan must be in compliance with federal regulations **Federal Regulations** and ISAC's **ISAC rules** **Rules** up to the date of the sale. ISAC will decline to purchase any account if the lender **lender** cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

c) If a lender **lender** requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (not in delinquency **delinquency** status) and has an outstanding balance of at least \$3,500.

d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original lender **lender** must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See: Section 2720.42.)

e) Default Prevention Program

1) In cases where a lender **lender** executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of guaranteed loans **Guaranteed Boans** specified in subsection (e)(2) of this Section. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAC will purchase the following additional types of guaranteed loans **Guaranteed-Boans**:

- A) all deferred loans;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the lender's **lender's** written inquiry;
- D) loans from graduate student borrowers; and
- E) loans that do not fall under any preceding criteria classification.

f) Upon the sale of an account to ISAC, the lender **lender** shall report the transfer of ownership to the credit reporting agency utilized by the lender **lender**. The lender **lender** shall not put an adverse report

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On the borrower's credit rating.

- g) ISAC may also purchase eligible loans as defined in Section 135 of the Higher Education Student Assistance Act [110 ILCS 947/135].

(Source: Amended at 21 Ill. Reg. 1103, effective _____)

Section 2720.130 IDAPP Eligible Lenders

- a) Prior to submitting accounts for purchase, the lender borrower and ISAC must execute an IDAPP contract. The contract requires lenders borrowers to comply with statutes, federal regulations, rules Federal Regulations, Rules and procedures.

- b) ISAC will purchase loans only from those lenders borrowers who have no inappropriate relationships with the educational institutions institutions certifying the loan. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders borrowers and institutions institutions which are not permitted by law or federal regulation Federal Regulation (34 CFR 682.205) and/or of such nature that all educational institutions institutions or all lenders borrowers under similar circumstances would not receive similar terms, conditions, or services from the lender borrower.

- c) If it appears that the lender borrower has violated one or more of the ISAC's ISAC Rules in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

- d) The lender borrower aware date of delinquency will be:

- 1) date lender Bate-borrower received notice from the school, borrower or ISAC, that the borrower has a revised last date of attendance;
- 2) date the lender received Bate returned mail from a borrower(s) address was-received;
- 3) date Bate information is received from the borrower(s), student, spouse, or parent Parent that repayment will not be forthcoming; or
- 4) maturity Maturity date of the note Note, the date of the deferment, or the date the payment was due but was and not made paid-date.

(Source: Amended at 21 Ill. Reg. 1103, effective _____)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

- a) ISAC shall serve as a direct lender borrower of Federal Consolidation Loans loans in accordance with Section 2720.55, Federal Consolidation

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Loan Program.

- b) A recipient of an ISAC-originated Federal Consolidation Loan loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a Federal Consolidation Loan loan by ISAC.

(Source: Amended at 21 Ill. Reg. 1103, effective _____)

Section 2720.210 Illinois Opportunity Loan Program

- a) ISAC may serve as a direct lender borrower of non-subsidized Federal Stafford Loans through the Illinois Opportunity Loan Program.

- b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078 et seq.)

- c) In addition to the eligibility criteria established by federal law for all Federal Stafford Loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

- 1) Each borrower must be a full-time Full-time student who is enrolled Enrolled in a degree program. The borrower must be classified at an academic level Academic-level of sophomore or above in the degree program. The institution institution shall verify the borrower's enrollment status prior to disbursement.
- 2) Each borrower must be a resident Resident of Illinois. For purposes of this Part, an applicant Applicant for an Illinois Opportunity Loan is a resident Resident of Illinois notwithstanding the applicant's Applicant's temporary absence from the State in order to enroll at an out-of-state institution institution.
- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per academic year Academic-year.
- 4) No applicant Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No applicant Applicant may receive an Illinois Opportunity Loan unless the institution's institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. (See, e.g., Title IV, Part F of the Higher Education Act of 1965, as amended- (20 U.S.C.A. 1087 Kk et seq.).)
- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine applicant Applicant eligibility on the basis of an application receipt date, or the term of study for which the loan is being requested, or both.

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(Source: Amended at 21 Ill. Reg. 11033, effective 11/1/97)

Section 2720.220 Federal Family Education Loans (FFEL)

- a) ISAC may serve as a direct lender ~~bender~~ of educational loans under the Federal Family Education Loan Program.
- b) Each borrower must be an eligible borrower as established by the Higher Education Act of 1965, as amended (see 20 U.S.C.A. 1078 et seq.), and must meet the eligibility requirements set forth in Section 2720.10 of this Part, Eligibility for ISAC Loan Guarantees.
- c) The amounts, terms and conditions of loans made under this Section shall be in accordance with the provisions of the Higher Education Act of 1965, as amended (see 20 U.S.C.A. 1078 et seq.).
- d) Educational loans may be made to borrowers referred by lenders ~~benders~~ which have executed a Community Educational Loan Partnership agreement with ISAC.

(Source: Amended at 21 Ill. Reg. 11033, effective 11/1/97)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers: Adopted Action:
 2700.10 Amended
 2700.20 Amended
 2700.30 Amended
 2700.40 Amended
 2700.50 Amended
 2700.55 Amended
 2700.60 Amended
 2700.70 Amended
- 4) Statutory Authority: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendment(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, several substantive modifications were made to the Definitions Section (2700.20) of this Part: definitions for "educational lender" and "lender" were added and the definition of "Institution of Higher Learning" was revised to include associate degree programs while still following statutory intent.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) **Summary and Purpose of Rulemaking:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

Toward this end, ISAC has adopted several formatting changes to most Parts of the rules so that the similarities between the programs can be easily identified, to highlight the differences in eligibility criteria and program requirements, and to better serve the population that the various programs are designed to benefit. For ease of reference, ISAC has moved definitions that were previously contained in other Parts to the Definitions Section of this Part, 2700.20. Further, in response to a recommendation from JCAR staff, ISAC also has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In addition to making minor technical and grammatical changes throughout this Part, definitions that were previously contained in other Parts of ISAC's rules (relating to scholarship and grant programs) have been moved to Definitions, Section 2700.20.

16) Information and questions regarding these adopted rules amendment(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

The full text of the adopted amendment(s) begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION
PART 2700
GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	

AUTHORITY: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act (110 ILCS 947/1 through 175); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/20(f)).

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective _____.

Section 2700.10 Summary and Purpose

- a) The purposes of the Illinois Student Assistance Commission (ISAC) include:
- 1) Improving postsecondary educational opportunities for eligible students through the centralized administration of Illinois student assistance programs; and
 - 2) Coordinating Illinois student assistance programs with those of the United States Department of Education (ED).
- b) This Part establishes general rules and definitions that apply to all student assistance programs administered by ISAC, except to the extent that subsequent Parts may qualify these general provisions.

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Statutory language is italicized. **Defined terms are indicated by the first letter being capitalized.**

(Source: Amended at 21 Ill. Reg. 11.002, effective _____)

Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Educational Loan Program, academic year is defined at Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan **Guaranteed Loan.**

"Approved High School" - *Any public high school located in this State, and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

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"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accreted Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5,000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent parts of the ISAC's rules ~~ISAC--Rules~~) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance ~~Gift Assistance~~ payment(s).

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - is defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711).

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"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy of practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" - The failure or refusal of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" - is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student ~~independent-student~~.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An educational institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"Eligible Noncitizen" - ~~A For-the-purposes-of--these--Rules--eligible noncitizen who is defined-as-noncitizens~~ eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's ~~institution's~~ registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is

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defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 U.S.C.A. 1087nn.)

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational education, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries ~~Foreign--Missionaries~~ for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term ~~term~~. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, state, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 U.S.C.A. 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but less than

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twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules these--Rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 U.S.C.A. 1087vv.) A--non-independent--student--is-referred-to-as-a-Dependent Student--

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization located in Illinois which:

provides at least a 2 year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is either:

operated by the State, or

operated publicly or privately, not for profit.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution institution at which a student is enrolled Enrolled and seeking a degree or certificate. This institution institution assumes primary responsibility for certification of eligibility for ISAC-administered

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programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs in--Illinois.

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution institution to each and every full-time student Full-time-Student for each term term. Application, graduation, laboratory, breakage, and add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition these-Rules--tuition is not a mandatory fee Mandatory-Fee.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules these-Rules, "parent Parent" is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance Federal--Gift--Assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1070a et seq.)

"PLUS" - The acronym for the Federal Parent Loans for Undergraduate Students program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Qualified Applicant" - An individual who meets the eligibility

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requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year Regular-School-Year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is must-be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A dependent student Dependent-Student is a resident Resident of Illinois if the parent Parent of the dependent-applicant Applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois.

An independent student Independent-Student is a resident Resident of Illinois if the applicant Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous, full months immediately prior to September 1 of the academic year Academic year for which assistance is requested.

When an applicant Applicant does not qualify as a resident Resident of Illinois under the preceding two paragraphs subsections and the applicant Applicant is a member of the U.S. Armed Forces or a foreign missionary Foreign-Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary Foreign-Missionary, then the applicant's Applicant's residency shall be determined in accordance with this the following four paragraphs subsection.

An applicant Applicant who is a member of the U.S. Armed Forces will be a resident Resident of Illinois if the applicant Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months before or 6 months after of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant Applicant who is a foreign missionary Foreign Missionary will be a resident Resident of Illinois if the

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applicant Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months before or 6 months after of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant Applicant shall be a resident Resident of Illinois notwithstanding the parent(s)' Parent(s)' temporary physical absence from Illinois provided the parent(s) Parent(s) would be a resident Resident of Illinois under the preceding two paragraphs subsections.

The spouse-applicant Applicant shall be a resident Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's Applicant's domicile continues to be the State of Illinois.

"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Service Academy" - The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy (Section 30(a) of the Higher Education Student Assistance Act).

"SUS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 U.S.C.A. 1078-1). No new SUS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as handicapped, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit handicapping or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student

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to teach handicapped children or children with learning disabilities.
(See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants Applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules these-Rules.

(Source: Amended at 21 Ill. Reg. 1.001, effective 1/1/00.)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All institutions institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance Gift-Assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions institutions to comply with statutes, rules Rules and Regulations Regulations.

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4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension Limitation, or Suspension or Termination of eligibility for failure to comply with statutes, regulations, rules Regulations, Rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See: 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions institutions which participate in gift assistance programs Gift-Assistance-Programs shall annually submit to ISAC a copy of both their satisfactory academic progress policy Satisfactory-Academic-Progress-Policy and their tuition refund policy Tuition-Refund-Policy. Public postsecondary institutions institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary institutions institutions which participate in gift assistance programs Gift-Assistance-Programs shall annually report their Tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic-Year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance Gift-Assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs Gift-Assistance-Programs.

2) The report shall match specific fee charges with the gift assistance Gift-Assistance program(s) which may finance the fee. Such categorizations by the institution institution shall not be considered ISAC approval.

3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

A) Example: One fee finances both tuition Tuition and text book expenses. Only the portion of the fee which is attributable to tuition Tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's

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Institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's the-ISAC Rules Rules.

h) Postsecondary institutions institutions may apply to participate in ISAC-guaranteed loan Guaranteed--loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary institutions institutions may apply to participate in ISAC gift assistance Gift-Assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC gift assistance Gift--Assistance programs for an institution institution rather than for specific academic programs within an institution institution.

2) Prior to applying for participation in ISAC gift assistance Gift Assistance programs, the institutional applicant Applicant must have authority to operate a postsecondary institution institution in Illinois. (See: 23 Ill. Adm. Code 1030.)

3) Institutional applicants Applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance Gift Assistance programs provided the institution institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.

4) Institutional applicants Applicants which do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC gift assistance Gift-Assistance programs if the institution institution has:

A) obtained candidate status for North Central accreditation.

B) applied for and is seeking degree-granting authority.

C) obtained at least three letters indicating the transferability of academic credit from the applicant institution Applicant--institution to other institutions institutions. The letters must be from institutions institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See: 23 Ill. Adm. Code 2735.60.)

D) an adequate number of qualified persons to administer their responsibilities under the ISAC's ISAC Rules Rules. In determining whether an institution institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution institution participates, the number of applications evaluated, the amount of funds

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administered, and the financial aid delivery system used by the institution institution.

5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)

6) Once approved to participate in ISAC gift assistance Gift Assistance programs by the Commission, an institution institution shall receive provisional eligibility for a minimum of five academic years.

A) On or before June 1 preceding each academic year Academic Year, an institution institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other institutions institutions for the following academic year Academic-Year. These letters must be from ISAC-approved MAP institutions institutions which are fully accredited by the North Central Association.

B) An institution institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions institutions shall have a valid Program Participation Agreement with ED (see: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's institution's failure to meet and maintain those standards can lead to limitation, suspension Limitation--Suspension or termination Termination proceedings. (See 23 Ill. Adm. Code 2790.)

l) Institutions that have been assigned multiple OPE-ID numbers will be considered separate entities by ISAC.

m) An institution institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2700.40 General Applicant Eligibility Requirements

a) Except as otherwise provided by this subsection, an applicant

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Applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for guaranteed loans Guaranteed-loans may be reinstated in accordance with federal regulations Federal Regulations and the following provisions:

A) Eligibility for ISAC-guaranteed loans Guaranteed-loans will be reinstated when:

- i) the debt has been paid in full;
- ii) the borrower has made a "satisfactory repayment arrangement", in accordance with 34 CFR 682.200;
- iii) the borrower's prior defaulted loan(s) has been rehabilitated, in accordance with 34 CFR 682.405; or
- iv) the borrower has made payments on a defaulted loan(s) to consolidate that loan(s) in accordance with 34 CFR 682.201.

B) Borrowers are eligible to use subsection subsections (A)(ii) and ~~(A)(iii)~~ above only one time during the entire life of any loan guaranteed by ISAC.

C) Eligibility for ISAC-administered gift assistance Gift Assistance will be reinstated for current and future terms when the applicant Applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant Applicant, and the frequency of the applicant's Applicant's contact with ISAC.

- 2) An applicant Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

b) No applicant Applicant shall receive ISAC-administered assistance if the applicant Applicant owes a refund for any ISAC-administered gift assistance Gift-Assistance, a federal Federal Pell Grant, or a federal Federal Supplemental Educational Opportunity Grant (SEOG) (20 U.S.C.A. 1070(b)).

c) An applicant Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

d) An applicant Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an

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Illinois State's Attorney.

e) All applicants Applicants must submit their Social Security Number (SSN).

f) Recipients who cease to be residents Residents of Illinois after notification of eligibility may complete the academic year Academic Year with the assistance awarded.

g) Unless otherwise provided, benefits under gift assistance Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. Benefits under gift assistance Gift-Assistance programs are generally limited to the regular school year Regular-School-Year. If funding is available, assistance for summer terms shall be awarded separately.

h) When gift assistance Gift-Assistance eligibility is limited to a specified number of term term payments, the eligibility cap is calculated in accordance with this subsection.

1) For each semester term term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term term of full-time payment benefits, the recipient is assessed four eligibility units.

2) For each semester term term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term term of half-time payment benefits, the recipient is assessed two eligibility units.

3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.

4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

i) An applicant Applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.

j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant Applicant must be maintaining satisfactory academic progress Satisfactory-Academic-Progress in accordance with the institution's institution's policy.

k) Students enrolled Enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance Gift-Assistance benefits, except for Illinois National Guard Grant and Illinois Veteran Grant program recipients.

(Source: Amended at 21 Ill. Reg. 21 Ill. Reg., effective 1/1/01)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant Applicant eligibility is the responsibility of both the institution institution and ISAC.
- b) No applicant Applicant is announced eligible for assistance by ISAC

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unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

c) When requesting payment for ISAC gift assistance Gift--Assistance programs, the postsecondary institution institution must certify that the applicants Applicants are eligible for the assistance. If an institution institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term term, whichever is later.

d) When requesting payment of benefits, institutions institutions shall certify (in accordance with ISAC's ISAC rules Rules and/or federal regulations Federal-Regulations) whether an applicant Applicant is eligible based upon enrollment in a particular academic program.

e) If an institution institution erroneously certifies an applicant Applicant to be eligible, ISAC will recover the erroneous payment from the institution institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution institution must tender restitution to the institution institution to be eligible for ISAC assistance at that institution institution.

f) If an applicant Applicant is selected for verification Verification in conjunction with federal student assistance, that applicant Applicant shall also be verified for ISAC-administered programs. A selected applicant Applicant must be verified for ISAC programs even if the applicant Applicant is ineligible for federal student assistance.

g) Because ED verification Verification procedures do not include procedures for verifying a student as a resident Resident of Illinois, the following provisions shall be followed by the institutions institutions.

1) Notwithstanding the requirements of subsection (g)(2) below, residency verification shall not be required for students who received payment of a MAP award during the previous academic year Academic-Year.

2) Residency status shall be verified for each applicant Applicant who is selected for verification Verification and meets one of the following criteria:

- A) the applicant Applicant has changed dependency status and has become an independent independent student; or
- B) the applicant Applicant has not been enrolled Enrolled in an ISAC-approved MAP institution institution or an ISAC-approved Illinois high school High-School (see Section 2700.30) during the preceding twelve months; or

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C) the institution institution has any information which indicates the applicant Applicant may not be a resident Resident of Illinois.

3) One or more of the documents listed below may provide proof that an applicant Applicant (or parent Parent) is an Illinois resident Resident, as defined in Section 2700.20. For an independent student applicant Applicant independent--Student--Applicant, the dates recorded on the documents must indicate the applicant Applicant has resided in Illinois for the relevant twelve continuous, full months.

- A) A valid State state or federal income tax return
- B) Illinois high school High-School or college transcript
- C) Illinois driver's license Driver's-License
- D) Utility or rent bills in the applicant's Applicant's (or parent's Parent's) name

- E) Illinois auto registration Auto-Registration card
- F) Residential lease in the applicant's Applicant's (or parent's Parent's) name
- G) Wage and tax statements Wage-Statements (IRS Form W-2)
- H) Statement of benefits history from the Illinois Department of Public Aid
- I) State of Illinois identification card identification--Card

J) Statement of benefits from the Illinois Department of Employment Security.

4) If an applicant Applicant is a resident Resident of Illinois, but the institution institution cannot document this fact in accordance with subsection (g)(2) above, the applicant Applicant or the institution institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

h) Institutions may request first term term payment even though verification Verification is not yet complete. If, after verification Verification, an ISAC payment adjustment is appropriate, institutions institutions must submit the appropriate refund. If verification Verification is not completed within 60 days after the conclusion of the regular school year Regular--School--Year, the institution institution shall return the first term term payment to ISAC. For other than the first term term of eligibility in an academic year Academic-Year, the verification Verification process must be completed before the institution institution may request payment.

i) When an institution institution adjusts an applicant's Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the institution institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 2700.55 Electronic Data Exchanges

- a) ISAC will provide eligible institutions institutions and lenders benders with electronic data regarding applicants Applicants. In return, institutions institutions and lenders benders will provide ISAC with electronic data on applicants Applicants as required by ISAC's rules these-Rules.
- b) Information on the availability of electronic data exchanges shall be provided in ISAC publications. To participate in electronic data exchanges, the institution institution or lender bender shall:
- 1) meet the eligibility guidelines established by ISAC;
 - 2) execute a written agreement with ISAC, outlining the conditions of participation; and
 - 3) select a machine readable medium for teletransmission.
- c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.
- d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold, or shared for any purpose other than those directly related to the internal operations of the institution, lender institution bender or ISAC.
- e) Institutions and lenders benders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and lenders benders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.
- f) Institutions and lenders benders shall comply with all applicable federal and state laws which regulate the privacy of, and access to, applicant Applicant data. (See, e.g., the Family Educational Rights and Privacy Act (20 U.S.C.A. 1232g); the Freedom of Information Act [5 ILCS 140]; Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094); and 34 CFR 682.610.)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating postsecondary institutions institutions. Postsecondary institutions institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the institution institution is experiencing difficulty meeting the requirements of ISAC's rules these-Rules or federal regulations

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- Federal--Regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary institutions institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.
- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED verification procedures Verification Procedures.
- c) ISAC audits shall be conducted in accordance with generally accepted generally-accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.
- d) The institution institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70, Appeal Procedures.
- e) If an audit identifies gift assistance Gift--Assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the institution institution.
- f) ISAC may visit institutions institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any ongoing on-going investigation.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2700.70 Appeal Procedures

- a) Complainants (including applicants, institutions Applicants institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) below, the complainant forfeits all appeal rights.
- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within 15 fifteen working days after and including the date of receipt of their appeal.

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- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).
- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, rules Rules and regulations Regulations relevant to the issue appealed.
- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50 (g)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), applicant Applicant appeals shall not be written or submitted by a lender Bender or an institution Institution. A lender Bender or an institution Institution may advise an applicant Applicant on appeal issues and opportunities.
- d) The complainant shall submit an appeal directly to the appropriate ISAC manager Manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)
- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.
 - 1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.140, Hearings.
 - 2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.
 - 3) If necessary, the hearing officer's decision can be appealed to the Commission.
- f) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(e), are considered final administrative decisions as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after the Commission's disposition of the appeal.

(Source: Amended at 21 Ill. Reg. 11085, effective July 18, 1997)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section numbers: Adopted Action:
 2732.10 Repealed
 2732.20 Repealed
 2732.30 Repealed
 2732.40 Repealed
 2732.50 Repealed
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1914, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10

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NOTICE OF ADOPTED REPEALER

Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartine@isc016r1.state.il.us

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NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Numbers: Adopted Action:
2732.10 New
2732.20 New
2732.30 New
2732.40 New
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to suggestions from JCAR staff. A provision was added to Section 2732.20(d) stating that common law partners are not considered spouses and are, therefore, not eligible for program benefits. Additionally, Section 2732.30(a) was amended to clarify that the physician's statement addresses the severity of the officer's disability and that other documentation must be submitted to prove that the death or disability occurred in the line of duty.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

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NOTICE OF ADOPTED RULE(S)

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follows the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules. No substantive changes have been made to this program. However, due to the number of formatting changes involved in implementing the new codification scheme, the previous Part is being repealed and entirely new rules are being adopted.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

Section	
2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~10191~~, effective ~~July 15, 1996~~.

Section 2732.10 Summary and Purpose

- a) If an Illinois police officer or fire officer is killed or sustains an injury resulting in a permanent disability in the line of duty, the officer's spouse and children may receive grant assistance under this program, without regard to financial need.
- b) This Part establishes rules which govern the Grant Program for Dependents of Police or Fire Officers. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2732.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) either:
 - A) the natural child, legally adopted child, or child in the legal custody of an Illinois police or fire officer at the time the officer was permanently disabled or killed in the line of duty; or
 - B) the husband or wife of the Illinois police or fire officer at the time the officer was permanently disabled or killed

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in the line of duty; and

- 2) a United States citizen or eligible noncitizen; and
 - 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see Ill. Adm. Code 2735); and
 - 4) making satisfactory academic progress toward a degree or certificate.
- b) An applicant need not be a resident of Illinois at the time of enrollment.
 - c) An applicant does not have to demonstrate financial need to receive this grant.
 - d) A spouse who remarries after an Illinois police or fire officer is killed in the line of duty, or who divorces a permanently disabled Illinois police or fire officer, is not eligible. Common law partners are not eligible.
 - e) A step-child who was not in the legal custody of the Illinois police or fire officer at the time the officer died or sustained a permanently disabling injury in the line of duty is not eligible.

Section 2732.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis.
- c) Applications must be filed prior to the end of the academic year for which grant assistance is being requested.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
 - 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and

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mandatory fees at that institution.

- 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the costs of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award will be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which s/he was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) if funds are still available when the preceding claims have been

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paid in full, awards for the difference between in-district/state and out-of-district/state tuition will be paid, or prorated if funds remaining are insufficient to pay all such grants in full.

Section 2732.40 Institutional Procedures

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
 - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; if it does, the institution shall reduce one of the awards accordingly;
 - 2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance at that institution. Any excess gift assistance is considered an overaward and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and
 - 3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the police or fire officer grant must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
 - 1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2732.20 (a)(3) and (4), Applicant Eligibility.
 - 2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.
 - 3) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.
 - 4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.
 - 5) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the

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institution.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section numbers: Adopted Action:
2731.10 Repealed
2731.20 Repealed
2731.30 Repealed
2731.40 Repealed
2731.50 Repealed
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1928, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10

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Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section Numbers: Adopted Action:
2731.10 New
2731.20 New
2731.30 New
2731.40 New
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to suggestions from JCAR staff. A provision was added to Section 2731.20(d) stating that common law partners are not considered spouses and are, therefore, not eligible for program benefits. Additionally, Section 2731.30(a) was amended to clarify that the physician's statement addresses the severity of the officer's disability and that other documentation must be submitted to prove that the death or disability occurred in the line of duty.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

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- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follows the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules. No substantive changes have been made to this program's requirements. However, due to the number of formatting changes involved, the previous Part is being repealed and entirely new rules are being adopted.

- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

The full text of the adopted rule(s) begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

- Section
2731.10 Summary and Purpose
2731.20 Applicant Eligibility
2731.30 Program Procedures
2731.40 Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~11100~~, effective

Section 2731.10 Summary and Purpose

- a) If a correctional officer employed by the Illinois Department of Corrections in a security position is killed or sustains an injury resulting in a permanent disability in the line of duty, the correctional officer's spouse and children may receive grant assistance under this Program, without regard to financial need.
- b) This Part establishes rules which govern the Grant Program for Dependents of Correctional Officers. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2731.20 Applicant Eligibility

- a) A qualified applicant shall be:
- 1) either:
 - A) the natural child, legally adopted child, or child in the legal custody of a correctional officer at the time the officer was permanently disabled or killed in the line of duty; or
 - B) the husband or wife of a correctional officer at the time the officer was permanently disabled or killed in the line

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of duty; and

- 2) a United States citizen or an eligible noncitizen; and
 - 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 2735); and
 - 4) making satisfactory academic progress toward a degree or certificate.
- b) An applicant need not be a resident of Illinois at the time of enrollment.
- c) An applicant does not have to demonstrate financial need to receive this grant.
- d) A spouse who remarries after a correctional officer is killed in the line of duty, or divorces a permanently disabled officer, is not eligible. Common law partners are not eligible.
- e) A step-child who was not in the legal custody of a correctional officer at the time the officer died or sustained a permanently disabling injury in the line of duty is not eligible.

Section 2731.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
- 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis.
- c) Applications must be filed prior to the end of the academic year for which grant assistance is being requested.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
- 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution.

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2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.

f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.

g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.

h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which s/he was ineligible.

i) Recipients receive payment through their institution of record.

j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.

k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.

l) ISAC pays grant funds directly to the institution of record in the name of the recipient.

m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.

o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:

1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;

2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;

3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and

4) if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state

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and out-of-district/state tuition will be paid, or prorated if funds remaining are insufficient to pay all such grants in full.

Section 2731.40 Institutional Procedures

a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

b) Institutional Packaging of Assistance:

1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; and if it does, the institution shall reduce one of the awards accordingly;

2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance for that institution. Any excess gift assistance is considered an overaward, and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and

3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the grant for Dependents of Correctional Officers must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.

c) Institutional Processing of Payments:

1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2731.20(a)(3) and (4), Applicant Eligibility.

2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.

3) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.

5) If the institution does not submit refunds as required, ISAC will

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deduct outstanding refunds from subsequent payments to the institution.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Incentive for Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section numbers:

2736.10	<u>Adopted Action:</u>
2736.20	Repealed
2736.30	Repealed
2736.40	Repealed
2736.50	Repealed
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1942, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section

ILLINOIS STUDENT ASSISTANCE COMMISSION

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xxxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Illinois Incentive for Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers: Adopted Action:
2736.10 New
2736.20 New
2736.30 New
2736.40 New
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them

ILLINOIS STUDENT ASSISTANCE COMMISSION

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more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, however, a provision has been added to Section 2736.30(i) which affirmatively states that benefits are applicable for repeat courses. The Institutional Procedures Section also has been updated to reflect a change in the State's lapse period. Previously, there was a three month period following the close of the State's fiscal year when outstanding liabilities could be paid out of expiring appropriations. A legislative amendment shortened that period by one month (P.A. 89-511, effective July 11, 1996). Therefore, adjustments needed to be made to ISAC's payment processing procedures and the rules affecting payment claims were amended accordingly. For consistency with other programs, a provision has been added requiring institutions to reconcile ISAC payments and to process refunds to ISAC in a timely manner. References to claim and payment procedures requiring paper have been amended to allow for the electronic exchange of information between an institution and ISAC.

16) Information and questions regarding these adopted rule(s) shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736

ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section

2736.10 Summary and Purpose

2736.20 Applicant Eligibility

2736.30 Program Procedures

2736.40 Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 1114, effective _____.

Section 2736.10 Summary and Purpose

a) The Illinois Incentive for Access (IIA) Program provides grant assistance to freshmen who have a limited ability to pay for college. The purpose of the program is to provide access and retention for this population and, possibly, to reduce their loan debt.

b) This Part establishes rules which govern the Illinois Incentive for Access Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2736.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a citizen or eligible noncitizen;
- 2) a resident of Illinois;
- 3) an undergraduate student;
- 4) officially classified by the institution as a freshman;
- 5) enrolled at an ISAC-approved institution of higher learning;
- 6) enrolled in an eligible degree or certificate program (see 23 Ill. Adm. Code 2735.20(a)(4));
- 7) enrolled on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period;
- 8) making satisfactory academic progress as determined by the institution; and
- 9) without personal or family financial resources available for expenditure toward educational expenses, as defined by current

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federal student financial aid methodology (i.e., \$0 Expected Family Contribution).

b) A qualified applicant shall not:

- 1) have previously received a baccalaureate degree; or
- 2) be incarcerated.

Section 2736.30 Program Procedures

a) An applicant applies for an IIA grant by using the form which the United States Department of Education (ED) designates as the application form for federal student financial aid. (See 20 U.S.C.A. 1070a.) This is also the application form used for the Monetary Award Program (MAP) grant. (See 23 Ill. Adm. Code 2735.30(a).)

- 1) An applicant must authorize ED to release his/her data to ISAC.
- 2) An applicant, spouse and parents of the applicant are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Aid to Families with Dependent Children, public aid, veterans' benefits or Social Security). This information shall be kept confidential.
- 3) An applicant must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
- 4) An applicant must file his/her application by the deadline date established by ISAC.

b) A qualified applicant may receive one grant of up to \$500.

c) The application must be complete at the time the grant is awarded. ISAC must have accurate data to properly determine an applicant's eligibility. If changes or corrections are necessary after receipt of corrected data, ISAC shall recalculate awards for those applicants whose applications are not in agreement with their financial records. It is the responsibility of IIA grant applicants to gain admission to approved Illinois institutions. Illinois institutions are not obligated to admit IIA applicants.

e) IIA grant payment is subject to the limit of dollars appropriated to ISAC by the Illinois General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received until funds have been expended.

f) ISAC must submit a written evaluation of the Illinois Incentive for Access Program to the Governor, the General Assembly and the Board of Higher Education, including a report of the progress made toward the goal of increasing the access and retention rates for IIA grant recipients. Therefore, ISAC may collect data from institutions to comply with this requirement.

g) IIA grants are applicable to any expense that is used to calculate the applicant's cost of attendance.

h) The IIA grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)

i) The IIA grant shall not pay for audit courses, credit-by-examination

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and/or life experience, noncredit course offerings (except qualifying remedial courses) or correspondence courses. Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for IIA payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses are eligible for IIA payment.

- j) An institution is obligated to provide IIA recipients the same facilities and instruction, on the same terms, as those provided to other students.

Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments of \$250 each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward.
- d) For institutions with concurrent registration opportunities:
- 1) the recipient must indicate his/her institution of record on the financial aid application;
 - 2) the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution;
 - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
 - 4) the recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.
- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments:
- 1) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.
 - 2) Payment requests received after August 1 for the prior academic

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year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)

- 3) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.
- 4) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.
- 5) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.
- 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois National Guard Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section numbers:
 2730.5 Adopted Action:
 2730.10 Repealed
 2730.20 Repealed
 Repealed
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 270(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1955, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various

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Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 847/948-8500
 email: rmartinez@isc016r1.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

1) Heading of the Part: Illinois National Guard Grant Program

2) Code Citation: 23 Ill. Adm. Code 2730

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2730.10	New
2730.20	New
2730.30	New
2730.40	New

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

5) Effective Date of Rule(s): July 18, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 18, 1997

9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: Changes in this rulemaking were merely minor or technical in nature and most of them were made in response to suggestions from JCAR staff.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them

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more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program. Many Parts of ISAC's rules have evolved over the years and as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, however, a provision has been added to the Program Procedures Section which clarifies that benefits can be used for noncredit courses. Benefits of this program have always been applicable toward noncredit courses, but questions from clients have led ISAC to provide more explicit guidance through an affirmative statement in the rules. The Institutional Procedures Section has been updated to reflect a change in the State's lapse period. Previously, there was a three month period following the close of the State's fiscal year when outstanding liabilities could be paid out of expiring appropriations. A legislative amendment shortened that period by one month (P.A. 89-511, effective July 11, 1996). Therefore, adjustments needed to be made to ISAC's payment processing procedures and the rules affecting payment claims were amended accordingly. For consistency with other programs, a provision has been added requiring institutions to reconcile ISAC payments and to process refunds to ISAC in a timely manner. References to claim and payment procedures requiring paper have been amended to allow for the electronic exchange of information between an institution and ISAC.

16) Information and questions regarding these adopted rule(s) shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

Ms. Raquel G. Martinez
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 1755 Lake Cook Road
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 email: rmartinez@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD GRANT PROGRAM

Section	Summary and Purpose
2730.10	Applicant Eligibility
2730.20	Program Procedures
2730.30	Institutional Procedures
2730.40	

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~1113~~, effective ~~July 1, 1997~~.

Section 2730.10 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of tuition and certain fees at State universities and community colleges as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) are insufficient to reimburse public postsecondary institutions for all recipients, the obligation to pay is transferred to the educational institution.
- b) This Part establishes rules which govern the Illinois National Guard Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution

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to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be September 15 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term. Institution of attendance changes must also be reported by these dates.

- 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application.

This letter must be delivered to the educational institution at which the student is enrolled. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

- 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must have served for at least one year in the Illinois National Guard. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.

- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

- d) Changes of address, name, status with the Illinois National Guard, or institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the applicant's address on record with ISAC.

Section 2730.30 Program Procedures

- a) The recipient is exempt from paying the following:

- 1) tuition;
- 2) registration fees;
- 3) graduation fees; and
- 4) general activity fees.

- b) The recipient is responsible for payment of other fees, including the following:

- 1) book rental fees;
- 2) laboratory and supply fees;
- 3) air flight fees;
- 4) hospital and health insurance fees;
- 5) room and board;
- 6) parking fees;
- 7) student union fees;
- 8) athletic fees; and
- 9) proficiency or placement exam(s) and other similar fees.

- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.

- d) Benefits may be used at Illinois public senior universities and at any Illinois public community college.

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- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.

- f) Recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will cease.

- 3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

- 4) In the event that the recipient withdraws from a course(s) prior to the end of a term, eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

- 5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

- g) If a current year applicant is discharged or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.

- h) If a recipient ceases to be a member of the Illinois National Guard

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during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total prororation.

- i) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.
- j) If a student is eligible for both an Illinois National Guard Grant and a MAP award, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

Section 2730.40 Institutional Procedures

- a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.
- b) When submitting payment requests, the institution shall certify that the recipient meets the requirements of Section 2730.20(c), Applicant Eligibility.
- c) Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year.
- d) Claims will be paid as follows:
 - 1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

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- 2) if funds remain after first semester and second and third quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
- 3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full; and
- 4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline date will be paid or prorated.
- 5) If funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition will be paid, or prorated if funds remaining are insufficient to pay all such grants in full.
- e) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)
- f) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section numbers:
- | | |
|---------|-----------------|
| 2765.10 | Adopted Action: |
| 2765.20 | Repealed |
| 2765.30 | Repealed |
| 2765.40 | Repealed |
| 2765.50 | Repealed |

- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.

- 5) Effective Date of Rule(s): July 18, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: July 18, 1997

- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1970, February 14, 1997

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

- 11) Difference(s) between proposed and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10

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Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2765.10	New
2765.20	New
2765.30	New
2765.40	New
- 4) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version: Changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rulemaking replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules

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with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program and in response to a concern raised by staff at the Illinois State Board of Education (ISBE), a provision has been added allowing applicants to qualify for this scholarship if they are pursuing additional coursework to teach in specialized teacher-shortage programs approved by ISBE. This addition will enable those who are certified in one shortage discipline to study in another area where a shortage exists. Further, these proposed rules more clearly specify when a scholarship converts to a loan, under what circumstances repayment can be deferred and when the ten-year time period for fulfilling the teaching obligation may be extended.

- 16) Information and questions regarding these adopted rule(s) shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 (847) 948-8500
 email: rmartinez@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10 Summary and Purpose

2765.20 Applicant Eligibility

2765.30 Program Procedures

2765.40 Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective _____.

Section 2765.10 Summary and Purpose

- a) The Illinois Special Education Teacher Tuition Waiver Program encourages current teachers and academically talented students to pursue careers as Illinois public, private or parochial elementary and secondary school teachers in any area of Special Education.
- b) This Part establishes the rules which govern the Illinois Special Education Teacher Tuition Waiver Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2765.20 Applicant Eligibility

- a) A qualified applicant shall:

- 1) be a United States citizen or an eligible noncitizen;
- 2) be a resident of Illinois;
- 3) be a graduate of an Illinois approved high school (or a student scheduled to graduate from an Illinois high school by the end of the school term in which the award is made) who ranks in the upper half of his or her high school graduating class; or be a person holding a valid teaching certificate that is not in the discipline of Special Education;
- 4) be enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;
- 5) attend, or plan to attend, Chicago State University, Eastern

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Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and

6) not have received the Illinois Special Education Teacher Tuition Waiver in the past.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763), or the DeBolt Teacher Shortage Scholarship (23 Ill. Adm. Code 2764), s/he shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

Section 2765.30 Program Procedures

a) A completed ISAC application for the Illinois Special Education Teacher Tuition Waiver must be received in ISAC's Deerfield office on or before the February 15 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.

b) ISAC applications for the Illinois Special Education Teacher Tuition Waiver Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.

c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

d) On or before March 1 of each year, ISAC, on behalf of principals of public, private and parochial high schools in Illinois, will provide the Regional Superintendents of each county with a roster of the names of all students in their county who are anticipated to be qualified applicants.

e) On or before May 15 of each year, the Regional Superintendents shall certify the eligibility of qualified applicants on a roster that shall be returned to ISAC.

f) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:

1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;

2) A minimum of 210 tuition waivers shall be awarded annually to

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high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (f)(1) of this Section shall be awarded to this group;

3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).

4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.

g) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.

h) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.

i) A recipient shall be exempt from paying tuition and matriculation, graduation, activity, term or incidental fees for up to four calendar years.

j) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:

1) a pledge on the part of the recipient to teach, on a full-time basis, in the field of Special Education, for two of the five years immediately following graduation or termination of enrollment, in any recognized public, private or parochial school in Illinois;

2) a stipulation that, if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the Tuition Waiver prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to 5% per annum; and

3) a further stipulation that the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).

k) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

1) serves, for not more than four years, as a member of the United States armed services; or

2) is enrolled full-time in an academic program leading to a graduate or postgraduate degree.

l) A recipient may be granted a leave of absence by the president of the institution, or her or his designee, for the following reasons:

1) earning funds to defray the recipient's educational expenses;

2) illness of the recipient or a member of the recipient's immediate

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family, as established by the sworn statement of a licensed physician; or

3) military service.

m) A recipient must complete his or her course of study within six years including leave(s) of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.

n) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or

3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.

o) If a recipient is required to repay any portion of the waiver, the repayment period shall be completed within five years after the waiver converts to a loan. The five-year period may be extended if the recipient:

1) serves, for not more than four years, as a member of the United States armed services;

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis;

4) is actively seeking and unable to find, for not more than two years, full-time employment as a Special Education teacher; or

5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on a full-time basis in another academic discipline.

p) During the time a recipient qualifies for any of the extensions listed in subsection (o) of this Section, s/he shall not be required to make payments and interest shall not continue to accrue.

q) A recipient shall not be required to pay the amount of the tuition and fees waived if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see e.g., 34 CFR 53.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

Section 2765.40 Institutional Procedures

a) When a recipient graduates, withdraws, or otherwise ceases to be

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enrolled in a Special Education program, the institution shall certify to ISAC the total amount of tuition and fees that have been waived on behalf of the recipient.

b) If a qualified applicant is eligible for both a tuition waiver and grant assistance under the Monetary Award Program (MAP) (23 Ill. Adm. Code 2735), the tuition waiver must be used first.

c) ISAC shall be notified by the institution of a recipient's leave of absence.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers:

2733.10	Adopted Action:
2733.20	Repealed
2733.30	Repealed
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 1985, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various

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Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 (847) 948-8500
 email: rmartine@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2733.10	New
2733.20	New
2733.30	New
2733.40	New
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, Section 2733.20(a) has been simplified so that the residency requirements can be more easily understood by persons reading these rules. Section 2733.20(f)(3) has been clarified to specify that veterans must have been deployed to the Persian Gulf or Somalia if they intend to take advantage of this exception to the one year of active duty requirement. Section 2733.20(g) has been updated to refer to the Reserve Officer Training Corps (ROTC), rather than the Student Army Training Corps. Section 2733.20(h)(4) has been modified to refer to the definition of Illinois resident appearing in General Provisions (23 Ill. Adm. Code 2700.20) although residency can be established in six months for the purposes of this program.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this

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issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follows the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, the new Institutional Procedures Section has been updated to reflect a change in the State's lapse period. Previously, there was a three month period following the close of the State's fiscal year when outstanding liabilities could be

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paid out of expiring appropriations. A legislative amendment shortened that period by one month (P.A. 89-511, effective July 11, 1996). Therefore, adjustments needed to be made to ISAC's payment processing procedures and the rules affecting payment claims were amended accordingly. For consistency with other programs, a provision has been added requiring institutions to reconcile ISAC payments and to process refunds to ISAC in a timely manner. References to claim and payment procedures requiring paper have been amended to allow for the electronic exchange of information between an institution and ISAC.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10 Summary and Purpose
2733.20 Applicant Eligibility
2733.30 Program Procedures
2733.40 Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~11134~~, effective ~~11134~~.

Section 2733.10 Summary and Purpose

- a) Eligible IVG recipients are entitled to be exempt from paying tuition and certain fees at public postsecondary institutions, as described in this Part. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.
- b) This Part establishes rules which govern the Illinois Veteran Grant (IVG) Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the

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United States who has served at least one year of active duty and has been honorably discharged from such service provided s/he:

- 1) was a:
 - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
 - B) student at an Illinois public university or community college at the time of entering the service; and
- 2) returned (or plans to return) to Illinois within 6 months after leaving the Armed Forces, or if married to a person in continued military service:
 - A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
 - B) returned to Illinois within 6 months after and including the date that the spouse was discharged (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if honorably discharged from such service. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant if the individual was discharged from the Armed Forces of the United States under less than honorable conditions.
- f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
 - 1) the veteran was honorably discharged from such service for medical reasons directly connected with such service; or
 - 2) the veteran was honorably discharged prior to August 11, 1967; or
 - 3) the veteran was honorably discharged from such service, part of which included deployment to the Persian Gulf during the Persian Gulf War or duty in Somalia during military operations to aid that country.
- g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
- h) In order to establish eligibility for this grant, an individual shall submit an application and documentation of all periods of service to ISAC.
 - 1) An applicant should submit a copy of his or her Report of Separation (Form DD 214), which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
 - 2) If the applicant does not have a copy of the DD 214, s/he should

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submit documentation which provides the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.

- 3) If the applicant is a member of the Armed Forces at the time of application, s/he shall submit a copy of the original and/or current Enlistment Contract (Form DD4/194/3) and a letter from the commanding officer. If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, a copy of the current contract must be provided with the application as well as copies of all extension contracts. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, s/he may verify residency by providing one or more of the documents listed below:
 - A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
 - G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
 - H) State of Illinois identification card issued during the relevant six month period; or
 - I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

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- a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.
- b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility within three months following the last scheduled day of classes for the term for which a grant is requested.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.
- d) Benefits may be used to enroll at Illinois public universities and Illinois public community colleges.
- e) Fees exempted by the IVG:
- 1) The recipient is exempt from paying most fees, including:
 - A) tuition and other instructional fees;
 - B) activity, air flight instructor and athletic fees;
 - C) matriculation, service and other registration-type fees;
 - D) off-campus and other extension course fees;
 - E) application fees;
 - F) graduation and transcript fees;
 - G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
 - H) health insurance fees.
 - 2) The recipient is responsible for payment of the following fees:
 - A) book rental fees;
 - B) laboratory and supply fees;
 - C) student union fees; and
 - D) fees for the operation, maintenance or rental of any building, facility or equipment.

- f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

- g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Full program benefits may be extended for one additional term if

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the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which s/he is enrolled for the term.

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

- 4) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

Section 2733.40 Institutional Procedures

- a) If a student is eligible for both IVG and MAP, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

- b) A notice of eligibility from ISAC or an Illinois Veteran's Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may be used by the institution to establish a qualified applicant's initial eligibility.

- c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2733.20, Applicant Eligibility.

- d) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be submitted no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending on August 31.

- e) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:

- 1) summer term claims received by the deadline date designated in subsection (d) will be paid, or prorated if funding is insufficient to pay all claims in full;
- 2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all

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- claims in full;
- 3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
 - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated; and
 - 5) if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition will be paid for recipients who do not qualify for chargebacks, or prorated if funds remaining are insufficient to pay all such claims in full.

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- | 1) <u>Heading of the Part:</u> | Limitation, Suspension and Termination (L,S&T) Proceedings |
|--------------------------------|--|
| 2) <u>Code Citation:</u> | 23 Ill. Adm. Code 2790 |
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 2790.10 | Amended |
| 2790.20 | Amended |
| 2790.30 | Amended |
| 2790.40 | Amended |
| 2790.50 | Amended |
| 2790.60 | Amended |
| 2790.70 | Amended |
| 2790.80 | Amended |
| 2790.90 | Amended |
| 2790.100 | Amended |
| 2790.110 | Amended |
| 2790.120 | Amended |
| 2790.130 | Amended |
| 2790.140 | Amended |
- 4) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).
 - 5) Effective Date of Amendment(s): July 18, 1997
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this amendment contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: July 18, 1997
 - 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
 - 10) Has JCAR issued a Statement of Objections to these amendment(s)? No
 - 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, upon further consideration, ISAC decided that it would be best for hearing officer qualifications to remain in definitions (Section 2790.20), rather than moving those provisions to Hearings (Section 2790.140).
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.
- In addition to the minor technical and grammatical changes throughout this Part, several definitions have been moved to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20, for the convenience of clients. Additionally, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

- 16) Information and questions regarding these adopted amendment(s) shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 (847) 948-8500
 email: rmartine@isc016rl.state.il.us

The full text of the adopted amendment(s) begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2790

LIMITATION, SUSPENSION AND TERMINATION (L/S&T) PROCEEDINGS

Section	Summary and Purpose
2790.10	Definitions
2790.20	Informal Compliance Procedures and Pre-Hearing Conferences
2790.30	Emergency Action
2790.40	Suspension Proceedings
2790.50	Limitation or Termination Proceeding
2790.60	Decisions
2790.70	Verification of Mailing and Receipt Dates
2790.80	Limitation
2790.90	Termination
2790.100	Payment Period
2790.110	Reimbursements, Refunds, Offsets and Penalties
2790.120	Reinstatement After Termination
2790.130	Hearings
2790.140	Matrix (Repealed)

APPENDIX A

AUTHORITY: Implementing and authorized by the Higher Education Student Assistance Act [10 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 11638, effective September 13, 1982; codified at 7 Ill. Reg. 9926; amended at 9 Ill. Reg. 20836, effective January 1, 1986; amended at 11 Ill. Reg. 3214, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1790 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2790 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17861; amended at 15 Ill. Reg. 14264, effective September 23, 1991; amended at 16 Ill. Reg. 11269, effective July 1, 1992; amended at 20 Ill. Reg. 9206, effective July 1, 1996; amended at 21 Ill. Reg. 1414, effective _____.

Section 2790.10 Summary and Purpose

- a) This Part establishes rules for the limitation, suspension or termination ~~limitation, suspension or termination~~ of an otherwise eligible institution ~~institution~~ or applicant ~~applicant~~ participating in any or all of the student assistance programs administered by the Illinois Student Assistance Commission (ISAC). These rules apply to an applicant ~~applicant~~ who and an institution ~~institution~~ which violates the provisions of the statutes, rules, regulations ~~Rules~~ ^{Regulations}, special arrangements, agreements or limitations

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Limitations set forth in Lender Agreements or Program Participation Agreements and the Higher Education Act of 1965, as amended (20 USC 1070 et seq.), including but not limited to: the provisions dealing with the Guaranteed Student Loan Programs (20 USC 1071); Need Analysis (20 USC 1087kk); General Provisions Relating to Student Assistance Programs (20 USC 1088); Teacher Scholarships and Fellowships (20 USC 1111); and the regulations of the Secretary of Education relating to student assistance programs, under the Higher Education Act of 1965, as amended, including but not limited to: Institutional Eligibility (34 CFR 600); Paul Douglas Teacher Scholarship Program (34 CFR 653); Student Assistance General Provisions (34 CFR 668); Guaranteed Student Loan and PLUS Programs (34 CFR 682); and the State Student Incentive Grant Program (34 CFR 692).

b) This Part establishes rules which govern the limitation, suspension, termination, or termination proceedings or termination proceedings. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

c) The purpose of this Part is to protect the integrity of the programs and to guard against losses on behalf of the applicant, the lender, the school, ISAC or the Federal Government.

d) ISAC's failure to invoke the provisions contained in this Part does not, however, automatically imply compliance or lessen an applicant's or an institution's obligation to follow federal or State rules and regulations governing scholarships, grants, and loan programs. Any action taken under this Part will not affect an applicant's or an institution's or an institution's responsibility to fulfill the requirements of the Higher Education Act, federal regulations or ISAC policies and procedures applicable to outstanding scholarships, grants and loan programs. Further, any action taken under this Part will not affect an applicant's or an institution's rights, if any, to benefits or payments that are based on prior participation in the programs.

e) This Part does not apply to:

- 1) a determination that an institution fails to meet the definition of an institution of higher education, a proprietary institution of higher education, a postsecondary vocational institution, as defined in Section 481 of the Higher Education Act of 1965, as amended (20 USC 1085(c)), or an eligible lender, as defined in Section 435(d) of the Higher Education Act of 1965, as amended (20 USC 1085(d));
- 2) a determination of a school's loss of eligibility by the Secretary of Education due to its default experience (see Section 435(a)(2) of the Higher Education Act of 1965, as amended);
- 3) any administrative action taken by the U.S. Department of Education against a lender (34 CFR 682.700 - 682.713), an

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educational institution (34 CFR 668.81 - 668.98) or an individual (34 CFR 85.300 - 85.420);

4) any administrative action taken by the Illinois Department of Professional Regulation, the Illinois State Board of Education or the Illinois Board of Higher Education terminating, suspending or limiting an educational institution's authority to offer educational programs within the State of Illinois; or

5) any administrative action taken by a nationally-recognized accreditation association (see Section 496 of the Higher Education Act of 1965, as amended) terminating, suspending or limiting an educational institution's accreditation status.

In any such case, ISAC shall terminate the participation of the institution by sending notice of such termination, certified mail return receipt requested (see Section 2790.80).

f) ISAC recognizes the U.S. Department of Education's corresponding federal regulations, namely Limitation, Suspension or Termination of Lender Eligibility Under the Guaranteed Student Loan Program and the PLUS Program (34 CFR 682.700 - 682.713), Fine, Limitation, Suspension and Termination Proceedings as applied to educational institutions (34 CFR 668.81 - 668.98), and Debarment and Suspension proceedings as applied to persons (34 CFR 85.300 - 85.420).

(Source: Amended at 21 Ill. Reg. 11151, effective 11/1/81)

Section 2790.20 Definitions

"Action" - An administrative proceeding conducted under this Part.

"Administrative Error" - Conduct resulting in the loss of a loan guarantee, creating a financial liability, or resulting in a refund due ISAC or the U.S. Department of Education, including but not limited to: overbilling interest, failing to cancel loans on a timely basis, failing to make timely refunds, overbilling of interest subsidy and special allowance, due diligence violations in making, disbursing, and servicing loans or conduct resulting in obtaining scholarship and/or grant funds for which the institution or applicant is not entitled.

"Admonishment" - A written reprimand which warns the institution or applicant that a repeat of the same offense will be subject to a penalty of greater severity. Admonishments shall be a matter of public record and may be imposed in lieu of a more severe sanction.

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"Applicant"---Any individual who requests ISAC consideration for a scholarship grant, tuition waiver, or guaranteed loan;

"Borrower"---A student or parent to whom a subsidized or unsubsidized Stafford-PLUS-SBS or FOP loan is or has been made;

"Funds" - Any money, commitments to provide money, and commitments of insurance or reinsurance provided under any or all programs.

"Hearing Officer" - An impartial person, appointed by the Executive Director of ISAC, or the Executive Director's designee, with no prior involvement with the facts giving rise to the limitation, suspension or termination action ~~limitation, suspension or termination action~~, who is either:

an attorney who has been admitted to practice law in Illinois for at least five years preceding appointment by the Executive Director and possesses those additional qualifications as are necessary to obtain appointment as an arbitrator pursuant to Section 2-1003A of the Mandatory Arbitration System in Illinois [735 ILCS 5/2-1003A]; or

a person who is an arbitrator qualified by the American Arbitration Association; or

any other person who meets the qualifications for the position of Administrative Law Judge for the Federal Government.

"Institution" - For purposes of this Part, any educational or lending institution which participates in any ISAC program(s).

"ISAC Official" - Any official of ISAC to whom the Executive Director has delegated the responsibility of initiating and pursuing an action under this Part.

"Lender" - Defined by Section 435(d) of the Higher Education Act of 1965, as amended (20 USCA 1085(d)).

"Limitation" - The continuation of an applicant's Applicant's or an institution's institution's eligibility for any or all programs subject to compliance with special conditions or restrictions which have been established by ISAC as necessary for the institution's institution's initial or continued participation in ISAC programs.

"School" - An institution institution eligible to participate in the programs established by the Higher Education Act of 1965, as amended, including an institution institution of higher education (as defined in 34 CFR 600.4), a proprietary institution institution of higher

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education (as defined in 34 CFR 600.5), and a postsecondary vocational institution institution (as defined in 34 CFR 600.6).

"Suspension" - The removal of an applicant's Applicant's or an institution's institution's eligibility for any or all ISAC programs for a specified period of time or until the problem that initiated the limitation, suspension or termination limitation, suspension or termination proceeding(s) is resolved.

"Termination" - The unqualified removal of an applicant's Applicant's or an institution's institution's eligibility for any or all programs for an indefinite period of time, but in no event less than 18 months.

(Source: Amended at 21 Ill. Reg. 11153, effective

Section 2790.30 Informal Compliance Procedures and Pre-Hearing Conferences

a) If the Executive Director receives a complaint or other information which the Executive Director believes to be reliable, indicating that an applicant Applicant or an institution institution is, or may be, in violation of applicable laws, regulations Regulations, special arrangements, agreements, rules Rules, or limitations limitations, the Executive Director may call the matter to the attention of the applicant Applicant or the institution institution and may provide a reasonable opportunity to:

- 1) respond to the complaint or other information;
- 2) show that the matter has been corrected; or
- 3) submit an acceptable plan to correct the violation and prevent its recurrence.

b) The procedures provided in this Part for suspension, limitation suspension, limitation or termination termination need not be delayed during the informal compliance procedure if the Executive Director believes the:

- 1) delay would have an adverse effect on any or all programs administered by ISAC; or
- 2) informal compliance procedure will not result in a correction of the alleged violation.

c) The purpose of a pre-hearing conference is to allow the parties to settle or narrow the dispute.

- 1) The pre-hearing conference may be convened at the request of ISAC, the affected applicant Applicant or institution institution, or the hearing officer Hearing Officer.
- 2) The scope of a pre-hearing conference is to discuss matters relating to the proposed action, including settlement without a hearing, or the narrowing of legal or factual issues to be resolved at the hearing.
- 3) The pre-hearing conference is not subject to any procedural

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- requirements except as may be mutually agreed upon by ISAC, the applicant Applicant, and/or the institution Institution.
- 4) The pre-hearing conference may be held in any manner, including telephone conference call, an informal meeting or written submission of materials from the applicant Applicant or the institution Institution to the ISAC Official Officer.
 - 5) As a result of the pre-hearing conference, the ISAC Official Officer and the applicant Applicant or the institution Institution may enter into a prehearing agreement whereby both the ISAC Official Officer and the applicant Applicant or the institution Institution stipulate in writing, signed by the parties, to certain facts, points of law, regulations, or policies and procedures.
 - 6) The Executive Director and the applicant Applicant or the institution Institution may enter into a written consent agreement which fully or partially settles the dispute between the parties. The consent agreement may specify that any pending hearing shall be canceled.
 - 7) A violation of any of the provisions of the consent agreement shall constitute the basis for a termination action Termination Action against an applicant Applicant or an institution Institution.

(Source: Amended at 21 Ill. Reg. 111.43, effective 11/1/83)

Section 2790.40 Emergency Action

- a) The Executive Director may take emergency action Action to withhold funds Funds from an applicant Applicant or an institution Institution or its associated students, and to withdraw the authority of an applicant Applicant or an institution Institution to participate in ISAC-administered programs if the Executive Director:
 - 1) receives information which he believes to be reliable that an applicant Applicant or an institution Institution is in violation of applicable laws, regulations, rules Regulations,---Rules, special arrangements, agreements, or limitations Limitations which had been previously established;
 - 2) determines that such action Action is necessary to prevent the likelihood of substantial loss of funds Funds to the State, to ISAC, to the U.S. Department Education, to borrowers Borrowers or to the students associated with the institution Institution; and
 - 3) determines that the likelihood of loss requires immediate action Action prior to completion of the procedures set forth in this Part for limitation, suspension Suspension,---Suspension, or termination Termination.
- b) The Executive Director begins an emergency action Action by notifying

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- the applicant Applicant or institution Institution, by certified mail with return receipt requested, of the action Action and the basis for the action. The effective date of the action Action is the date on which the notice is received by the applicant Applicant or the institution Institution. The notice shall state:
- 1) the basis of the emergency action Action;
 - 2) the consequences of the emergency action Action to the applicant Applicant or the institution Institution;
 - 3) that the applicant Applicant or the institution Institution may request an opportunity to show cause why the emergency action Action is unwarranted; and
 - 4) that the failure to request an opportunity to show cause why the emergency action Action is unwarranted, at least 5 days after and including within the effective date, is a waiver of that right.
- c) An emergency action Action shall not exceed 30 days unless a limitation, suspension Suspension,---Suspension, or termination Termination proceeding is begun under this Part before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission. An emergency action Action may be terminated upon the Executive Director's verification that the applicant Applicant or the institution Institution has corrected all violations on which the emergency action was based. Verification includes, but is not limited to, submitting documentation showing that the violation(s) has been corrected or submitting an acceptable plan for correcting the violation(s) and preventing a recurrence(s).

(Source: Amended at 21 Ill. Reg. 111.43, effective 11/1/83)

Section 2790.50 Suspension Proceedings

- a) Scope and Consequences: From its effective date, a suspension Suspension removes an applicant's Applicant's or an institution's Institution's eligibility for any or all ISAC programs for a period of time not exceeding 60 days unless the:
 - 1) applicant Applicant or the institution Institution and the Executive Director agree to an extension; or
 - 2) Executive Director begins a limitation Limitation or termination Termination proceeding.
- b) Procedures: The Executive Director begins a suspension Suspension proceeding by sending a notice to an applicant Applicant or an institution Institution by certified mail with return receipt requested. The notice must:
 - 1) inform the applicant Applicant or the institution Institution of the intent of ISAC to suspend the applicant's Applicant's or the institution's Institution's eligibility, cite the consequences of that action and identify the alleged violations which constitute

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- the basis for the action;
- 2) specify the proposed effective date of the suspension Suspension, which shall be at least 20 days after the date of mailing of notice of intent;
 - 3) inform the applicant Applicant or the institution Institution that the suspension Suspension will be effective on the date specified in the notice unless the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the suspension Suspension should not take place;
 - 4) invite voluntary efforts to correct the violation(s) which led to the commencement of the action; and
 - 5) inform the applicant Applicant or the institution Institution that the failure to request a hearing will be deemed a waiver of that right.
- c) If the applicant Applicant or the institution Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the applicant Applicant or the institution Institution that the:
- 1) proposed suspension Suspension is dismissed; or
 - 2) suspension Suspension is effective as of a specified date.
- d) Notice of Suspension will be promptly mailed to the applicant Applicant or the institution Institution. The suspension Suspension takes effect either upon the date on which the notice is received by the applicant Applicant or the institution Institution or the originally proposed effective date stated in the notice of intent, whichever is later.
- e) A suspension Suspension shall not exceed 60 days unless a limitation Limitation or termination Termination proceeding is begun under this Section before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission. (See Section 2790.70, Recommended and Final Decisions.)
- f) If the applicant Applicant or the institution Institution requests a hearing at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.

(Source: Amended at 21 Ill. Reg. 11157 effective

Section 2790.60 Limitation or Termination Proceeding

- a) Scope and Consequences consequences: From its effective date, a limitation Limitation or termination Termination shall either:
- 1) result in limitations Limitations on an applicant's Applicant's or an institution's Institution's eligibility; or
 - 2) end the eligibility of an applicant Applicant or an institution Institution for any or all programs administered by ISAC.

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- b) Procedures: The Executive Director begins a limitation Limitation or termination Termination proceeding, whether or not a suspension Suspension proceeding or an emergency action Action has begun, by sending an applicant Applicant or an institution Institution a notice, by certified mail with return receipt requested. This notice must:
- 1) inform the applicant Applicant or the institution Institution of the intent of ISAC to limit or terminate the applicant's Applicant's or the institution's Institution's eligibility, cite the consequences of that action Action and identify the alleged violations which constitute the basis for the action Action, and in the case of a limitation Limitation proceeding, state the limits to be imposed;
 - 2) specify the proposed effective date of the limitation Limitation or termination Termination which shall be at least 20 days after the date of mailing of the notice of intent;
 - 3) inform the applicant Applicant or institution Institution that the limitation Limitation or termination Termination will not be effective on the date specified in the notice if the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the limitation Limitation or termination Termination should not take place;
 - 4) invite voluntary efforts to correct the violation(s) which led to the initiation of the action Action; and
 - 5) inform the applicant Applicant or the institution Institution that the failure to request a hearing will be deemed a waiver of that right.
- c) If the applicant Applicant or the institution Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the applicant Applicant or the institution Institution that the:
- 1) proposed action Action is dismissed; or
 - 2) limitations Limitations are effective as of a specified date; or
 - 3) termination Termination is effective as of a specified date.
- d) If the applicant Applicant or the institution Institution requests a hearing, at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.
- e) If the applicant Applicant or the institution Institution wishes to appeal the decision of the hearing officer Hearing-Officer, the procedures outlined in Section 2790.70, Recommended and Final Decisions, shall be followed.

(Source: Amended at 21 Ill. Reg. 11158, effective

Section 2790.70 Decisions

- a) The hearing officer Hearing-Officer issues a decision based on

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findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. A recommended decision must be issued no later than 30 days after the conclusion of the hearing.

- b) The hearing officer's Hearing-Officer's decision will be promptly mailed to all parties.
- c) The hearing officer's Hearing-Officer's decision may be appealed to the Commission by filing exceptions to the decision and a brief in support of those exceptions no later than 20 days after the receipt of the decision. The opposing party shall have 20 days from the receipt of the exceptions and supporting brief to file a response. If no timely exceptions are filed, the party will be deemed to have waived any exceptions and the hearing officer's Hearing-Officer's decision shall be implemented.

- 1) All exceptions, briefs, and reply briefs shall be filed with the Executive Director.

- 2) Each exception shall set forth specifically the questions of procedure, fact, law or policy to which exceptions are taken and shall identify that part of the hearing officer's Hearing Officer's decision to which objection is made. The supporting brief shall designate, by precise citation of pages, the portions of the record relied upon and shall state the grounds for the exceptions and a citation of authorities.

- 3) The Executive Director shall submit to the Commission the hearing officer's Hearing-Officer's decision, exceptions and briefs.

- d) The decision of the hearing officer Hearing-Officer does not take effect while an appeal is pending, unless the Commission determines that a stay would produce a serious and adverse effect upon the programs involved.

- e) In the case of an appeal, the Commission issues a final administrative decision affirming, modifying or reversing the hearing officer's Hearing-Officer's decision, including a statement of reasons for the decision.

(Source: Amended at 21 Ill. Reg. 1117, effective 1117)

Section 2790.80 Verification of Mailing and Receipt Dates

- a) ISAC's verification of the mailing dates and receipt dates referred to in this Part is evidenced by the original receipt from the U.S. Postal Service.

- b) If an applicant Applicant or an institution Institution refuses to accept a notice mailed under this Section section, ISAC considers the notice received on the date the applicant Applicant or the institution Institution refuses to accept the notice.

(Source: Amended at 21 Ill. Reg. 11143, effective 11143)

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Section 2790.90 Limitation

- A limitation Limitation may include, as appropriate to the program in question:
- a) a limit on the number or percentage of students enrolled in an educational institution institution who may receive ISAC administered funds;
 - b) a limit on the guaranteed loans Guaranteed--loans that a lending institution may make, purchaser or hold;
 - c) a requirement that an institution institution obtain and continue to hold in force and effect a bond, in a specified amount, to assure its ability to meet its financial obligations to students who receive ISAC funds Funds; or
 - d) such other conditions as may be determined to be reasonable and appropriate.

(Source: Amended at 21 Ill. Reg. 1114, effective 1114)

Section 2790.100 Termination

A termination Termination may include, as appropriate to the program in question:

- a) ending an applicant's Applicant's or an institution's Institution's eligibility for any or all gift assistance Gift--Assistance programs administered by ISAC;
- b) prohibiting an institution institution from making or increasing financial aid awards administered by ISAC;
- c) prohibiting an institution institution from making any new obligations against funds Funds administered by ISAC;
- d) prohibiting additional ISAC Guaranteed Student Loans for students enrolled Enrolled at that institution institution or additional guaranteed student loans for an applicant Applicant;
- e) prohibiting a lending institution institution from obtaining ISAC guarantees for any borrowers after the effective date of the termination Termination; or
- f) prohibiting a lending institution institution from disbursing loan proceeds.

(Source: Amended at 21 Ill. Reg. 11143, effective 11143)

Section 2790.110 Payment Period

- a) If an educational institution institution is terminated during a payment period, any eligible recipient at that school School who has received an award or to whom a commitment has been made before the

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effective date of termination Termination may receive payment for that payment period.

- b) The payment period for grant programs is the academic year Academic year or from the midpoint to the end of the academic year Academic year.--and The payment period for or loan programs is the period certified on the loan.
- c) If a lending institution institution is terminated, the lender lender shall proceed with due diligence on all loans made prior to the effective date of the termination Termination.

(Source: Amended at 21 Ill. Reg. 11.111, effective 11/1/11)

Section 2790.120 Reimbursements, Refunds, Offsets and Penalties

- a) The Executive Director, appointed hearing officer Hearing-Officer, or the Commission may require an applicant Applicant or an institution institution to take reasonable and appropriate corrective action to remedy a violation of applicable laws, regulations Regulations, special arrangements, agreements or limitations Limitations.

- b) The corrective action may include payment of any funds Funds to ISAC, or to designated recipients, that the applicant Applicant or the institution institution improperly received, withheld, disbursed or caused to be disbursed.

- c) If any final decision requires an applicant Applicant or an institution institution to reimburse or make any other payment to ISAC, ISAC may deduct these claims from any benefits or claims due the applicant Applicant or the institution institution.

(Source: Amended at 21 Ill. Reg. 11.111, effective 11/1/11)

Section 2790.130 Reinstatement After Termination

- a) An applicant Applicant or an institution institution whose eligibility has been terminated may not file a request for reinstatement until 18 months after the effective date of termination Termination.

- b) After the minimum termination Termination period, the applicant Applicant or the institution institution may request Commission reinstatement of its eligibility. The request must be in writing and must show that the applicant Applicant or the institution institution has corrected the violations on which the termination Termination was based; has paid in full all liabilities, reimbursements and refunds; and meets all qualifications for eligibility.

- c) Within ninety days after receipt of the request for reinstatement, the Commission shall respond to the applicant Applicant or the institution institution by:

- 1) granting its request;

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- 2) denying its request;
- 3) granting the request subject to other limitations Limitations; or
- 4) conducting a program review to determine that all violations have been corrected, in accordance with Section 2700.60, Audits and Investigations.

- d) If the Commission denies the request or establishes limitations Limitations, the applicant Applicant or the institution institution, upon request, will be granted an opportunity to show cause why its eligibility should be fully reinstated.

- e) The applicant's Applicant's or the institution's institution's request for a show cause meeting shall not waive the right to participate in any or all programs administered by the Commission if it complies with such continuing limitations Limitations pending the outcome of the meeting.

- f) A school School that is also a lender Lender and whose eligibility as a participating school School has been terminated, may not be considered for reinstatement as a lender Lender until it is reinstated as an eligible school School.

- g) If a request for reinstatement is denied, the applicant Applicant or the institution institution may request reinstatement 18 months after the most recent request, unless the Commission agrees to consider an earlier request.

(Source: Amended at 21 Ill. Reg. 11.111, effective 11/1/11)

Section 2790.140 Hearings

- a) If the applicant Applicant or the institution institution requests a hearing at least 5 days before the proposed effective date of a suspension, limitation Suspension,---limitation or termination Termination, the Executive Director sets the date and place for the hearing. The date will be at least 15 days after the Executive Director receives the request.

- b) A hearing officer Hearing-Officer appointed by the Executive Director, or the Executive Director's designee, conducts the hearing on the record.

- c) The hearing officer Hearing-Officer shall regulate the course of the proceeding proceedings, direct the conduct of the parties during the hearing, provide for the orderly presentation of arguments and evidence, and shall take all steps necessary to conduct a fair and impartial hearing.

- d) The hearing officer Hearing-Officer shall take whatever measures are appropriate to expedite the proceeding which may include, but are not limited to:

- 1) scheduling of pre-hearing conferences;
- 2) restricting the number or length of submissions;
- 3) accepting stipulations as to facts and legal authorities;

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- 4) setting time limits for hearings and submission of written documents; and
- 5) declaring any party who fails to comply with a valid order of the hearing officer Hearing-Officer to be in default, terminating the proceedings proceeding and issuing a decision against the non-complying party.
- e) At the hearing, the appointed hearing officer Hearing-Officer shall consider any written material presented before the hearing, or any material or other evidence presented during the course of the hearing. The hearing shall be conducted in accordance with Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10].
- f) The hearing officer Hearing-Officer shall not have authority to issue subpoenas. If requested by the hearing officer Hearing-Officer, ISAC, the applicant Applicant and/or the institution institution shall provide persons who have knowledge about the matter under review for oral or written examination.
- g) The ISAC official Officer has the burden of proof by a preponderance of the evidence in any suspension, limitation Suspension,--limitation or termination termination hearing.
- h) The hearing officer Hearing-Officer shall only accept evidence that is relevant to the proceedings proceeding and not unduly repetitious.
- i) The hearing officer Hearing-Officer shall base findings of fact only on evidence considered at the hearing and on matters given judicial notice.
- j) If, after considering the evidence, the appointed hearing officer Hearing-Officer concludes that a suspension, limitation, termination Suspension,--limitation,--termination or penalty is warranted, the hearing officer Hearing-Officer will issue a decision that may suspend, limit, terminate or affect the applicant's Applicant or the institution's institution's eligibility in whole or in part.
- k) If a termination termination proceeding is brought against an applicant Applicant or an institution institution, the appointed hearing officer Hearing-Officer may, at his or her discretion, issue a decision to impose one or more limitations limitations or penalties on an applicant Applicant or an institution institution rather than terminating its eligibility.
- l) Expedited Hearing: With the approval of the hearing officer Hearing Officer and the mutual consent of the parties, any time schedule specified in this Section may be shortened.
- m) The applicant Applicant or the institution institution may be represented by legal counsel at a hearing, but ISAC is under no obligation to provide such counsel.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program°
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section numbers: Adopted Action:
2761.10 Repealed
2761.20 Repealed
2761.30 Repealed
2761.40 Repealed
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2019, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures).

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Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

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NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section Numbers: Adopted Action:
2761.10 New
2761.20 New
2761.30 New
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, Section 2761.20(a)(1) has been shortened significantly since the statutory definition of "approved high school" already appears in the Definitions Section of General Provisions, 23 Ill. Adm. Code 2700.20.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the Illinois Register and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid

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delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility and Section xxx.30 Program Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

No substantive changes have been made to this program. However, due to the number of formatting changes involved in implementing the new codification scheme, the previous Part is being repealed and entirely new rules are being adopted.

- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

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NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	Summary and Purpose
2761.10	Applicant Eligibility
2761.20	Program Procedures

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 2761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 4114, effective July 1, 1997.

Section 2761.10 Summary and Purpose

- a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1,000 award which must be used for enrollment at an approved Illinois postsecondary institution or any service academy.
- b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2761.20 Applicant Eligibility

- a) A qualified applicant shall:
 - 1) be a student at any approved high school located in Illinois;
 - 2) have completed eighty percent of the high school's program of instruction;
 - 3) have earned a 7th semester cumulative high school grade point average at or above the 95th percentile of his or her high school

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class;

- 4) be a person of good moral character;
 - 5) be a resident of Illinois;
 - 6) be a United States citizen or permanent resident of the United States; and
 - 7) be enrolled or enroll, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) A qualified applicant shall not have already received a baccalaureate degree.

Section 2761.30 Program Procedures

- a) In February of every year, approved high schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are qualified applicants.
 - 1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by approved high schools shall be subject to audit by ISAC.
 - 2) ISAC shall then promptly notify those qualified applicants who are reasonably assured of receiving Merit Recognition Scholarships in accordance with annual funding levels recommended in the Governor's Budget.
- b) Qualified applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary institution attended by the applicant. A complete application must be received by ISAC within one year after and including the date of high school graduation but absolutely no later than June 15th of the academic year immediately following graduation from the approved Illinois high school. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.
- c) ISAC shall disburse scholarship funds in two increments based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer term.
 - 1) The application form constitutes a request for payment of first term benefits. Institutions shall submit a payment request for payment of subsequent terms.
 - 2) Funds shall be remitted to institutions on behalf of the recipients. When requesting payment of scholarship funds, the institution shall certify that the recipient is: a U.S. citizen or eligible noncitizen; a resident of Illinois; of good moral character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.
 - 3) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status. If the recipient is enrolled, the institution may credit the funds to the recipient's account

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- for expenses due and payable. The balance of the funds shall be released to the recipient.
- 4) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment prior to receiving funds, the institution shall notify ISAC to prevent payment processing or, if funds have been received by the institution, the institution shall return the full amount of the funds to ISAC.
 - d) Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, required service academy uniforms, and travel and personal expenses related to the recipient's enrollment.
 - e) Should the recipient withdraw from enrollment during the first term financed by the scholarship, the recipient shall return to ISAC the full amount of the award.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section numbers:

2763.10	Repealed
2763.20	Repealed
2763.30	Repealed
2763.40	Repealed
2763.50	Repealed
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2031, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10

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Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

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NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Numbers: Adopted Action:
2763.10 New
2763.20 New
2763.30 New
2763.40 New
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, several substantive modifications were made in response to public comment. Section 2763.30(h)(2) was changed to demonstrate that the teaching requirement must be fulfilled within 10 years following completion (rather than termination) of the program for which the scholarship was awarded. A person cannot teach unless s/he completes the program for certification. Section 2763.30(i)(5) was added to allow for an extension of the 10 year time period, within which the teaching requirement must be fulfilled, for students pursuing additional coursework necessary to obtain teacher certification in Illinois. Section 2763.30(j)(4) was amended to clarify that an extension of the 10 year repayment period is allowable for persons who withdraw from courses of study leading to teacher certification as long as they remain enrolled in another academic discipline on a full-time basis.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program and for consistency with the DeBolt Teacher Shortage Scholarship Program, 23 Ill. Adm. Code

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2764, the application deadline date has been moved from August 1 to May 1. Further, these adopted rules more clearly specify when a scholarship converts to a loan, under what circumstances repayment can be deferred and when the 10-year time period for fulfilling the teaching obligation may be extended.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

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NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10 Summary and Purpose

2763.20 Applicant Eligibility

2763.30 Program Procedures

2763.40 Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 29, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11178, effective 11/1/97.

Section 2763.10 Summary and Purpose

a) The Minority Teachers of Illinois Scholarship Program encourages academically talented minority students to pursue careers as teachers at Illinois preschool, elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.

b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2763.20 Applicant Eligibility

a) A qualified applicant shall:

- 1) be a minority student;
- 2) be a resident of Illinois;
- 3) be a citizen or permanent resident of the United States;
- 4) have graduated from high school or have received a General Educational Development Certification (GED);

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- 5) be enrolled or accepted for enrollment on a full-time basis, unless a last semester senior who must enroll only for a minimum of 6 credit hours;
- 6) be an undergraduate student at an institution of higher learning at the sophomore level or above;
- 7) be enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education;
- 8) have not received a baccalaureate degree;
- 9) be maintaining a cumulative grade point average of no less than 2.5 on a 4.0 scale; and
- 10) be maintaining satisfactory academic progress as determined by the institution.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), David A. DeBolt Teacher Shortage Scholarship Program (23 Ill. Adm. Code 2764), or the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

Section 2763.30 Program Procedures

a) A completed ISAC application for the Minority Teachers of Illinois Scholarship Program must be received in ISAC's Deerfield office on or before the May 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.

1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield, and Chicago offices.

2) ISAC will mail renewal applications to all qualified students who received MTI Scholarships during the preceding academic year.

3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants.

c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.

d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.

e) Scholarship funds are applicable towards up to two semesters/three quarters of full-time study within an academic year.

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- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerpfield office.
- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their General Educational Development certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:
- 1) a pledge on the part of the recipient to teach, on a full-time equivalent basis, one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) a stipulation that such teaching requirement will be fulfilled within the 10-year period following the completion of the undergraduate program for which the recipient received assistance under this Part;
 - 3) a stipulation that such teaching requirement will be fulfilled at a nonprofit Illinois public, private, or parochial preschool, elementary school, or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) a stipulation that, if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to student loans under the FFEL program and, if applicable, reasonable collection fees; and
 - 5) a further stipulation that the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- i) The ten-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States armed services;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a

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- teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for a single period not to exceed two years, and is able to provide evidence of that fact; or
- 5) is pursuing additional coursework, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States armed services;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for a single period not to exceed two years, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, s/he shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of full-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within ten years after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

Section 2763.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.

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- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipient(s).
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the term(s) for which the award was intended, the institution shall return the total amount of the scholarship to ISAC.
- g) Scholarship Amount
- 1) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and must be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the standard commuter allowance for students living off-campus; or
 - C) \$5,000.
 - 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 4) A qualified applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the MTI scholarship.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section numbers: Adopted Action:

2735.10	Repealed
2735.20	Repealed
2735.30	Repealed
2735.40	Repealed
2735.50	Repealed
2735.60	Repealed
2735.70	Repealed
2735.80	Repealed
2735.100	Repealed
2735.Appendix A	Repealed
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 947/20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2048, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed

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somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: rmartinez@isc016rl.state.il.us

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers: Adopted Action:
 2735.10 New
 2735.20 New
 2735.30 New
 2735.40 New
 2735.50 New
 2735.60 New
 2735.APPENDIX A New
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, Section 2735.30(j) has been modified to maximize students' eligibility for MAP assistance when they are taking advantage of foreign study opportunities while still limiting payment to the maximum award granted to traditional students.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

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- 15) **Summary and Purpose of Rulemaking:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Due to the nature of the Monetary Award Program and the statutory requirements governing the payment of these awards, however, this Part contains two additional Sections relating to advance payment (2735.50) and contractual agreements (2735.60). Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, however, a provision has been added which affirmatively states that benefits are applicable for repeat courses. ISAC added a sentence to Section 2735.30(c) to codify existing policy and to respond to client's questions with regard to repeat courses. The Institutional Procedures Section also has been updated to reflect a change in the State's lapse period. Previously, there was a three month period following the close of the State's fiscal year when outstanding liabilities could be paid out of expiring appropriations. A legislative amendment shortened that period by one month (P.A. 89-511,

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effective July 11, 1996). Therefore, adjustments needed to be made to ISAC's payment processing procedures and the rules affecting payment claims were amended accordingly. For consistency with other programs, a provision has been added requiring institutions to reconcile ISAC payments and to process refunds to ISAC in a timely manner. References to claim and payment procedures requiring paper have been amended to allow for the electronic exchange of information between an institution and ISAC.

- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-9500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section

2735.10 Summary and Purpose

2735.20 Applicant Eligibility

2735.30 Program Procedures

2735.40 Institutional Procedures

2735.50 Advance Payment Option

2735.60 Contractual Agreement Requirements

APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~11184~~, effective ~~11184~~.

Section 2735.10 Summary and Purpose

a) The Monetary Award Program (MAP) provides direct grant assistance to eligible students. MAP grants are apportioned among otherwise eligible applicants on the basis of relative financial resources and available funds. Recipients must enroll at approved nonprofit Illinois institutions in order to use MAP grants.

b) This Part establishes rules which govern the Monetary Award Program. Additional rules and definitions are contained in General Provisions, Part at 23 Ill. Adm. Code 2700.

Section 2735.20 Applicant Eligibility

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a) A qualified applicant shall be:

1) a citizen or eligible noncitizen;

2) a resident of Illinois;

3) maintaining satisfactory academic progress as determined by the institution;

4) enrolled in an eligible degree or certificate program (34 CFR 668.8) on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period; and

5) enrolled at an ISAC-approved institution of higher learning.

b) A recipient may receive MAP grant payment for less than half-time enrollment provided the recipient was enrolled on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period.

c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved institution of higher learning of the applicant's choice, and is reevaluated if the student's choice of institution changes.

d) Eligibility is restricted to undergraduate students.

1) MAP recipients must not have received a baccalaureate degree; and

2) graduate students are not eligible for MAP assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:

A) is enrolled in an academic program or course above the baccalaureate level which leads to any degree above the baccalaureate level; and

B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and

C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

Section 2735.30 Program Procedures

a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)

b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Aid to Families with Dependent Children, public aid, veteran's benefits or Social Security).

c) Priority Consideration Dates
Regular school year applications must be received before June 1 immediately preceding the regular school year for which the application is being made from students who had applied for a MAP

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grant for the previous regular school year in order to receive priority consideration for a full year award. Regular school year applications must be received before October 1 from students who had not applied for a MAP grant the previous regular school year in order to receive priority consideration for a full year award.

d) Priority Processing Guidelines

1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

- A) Prior to June 1 preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
- B) From June 1 until October 1, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;
- C) On or after October 1, and until the date of final suspension of award announcements for that regular school year, students who had not applied for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only; while students who did apply for a MAP award the previous regular school year will not be considered for a MAP award at all.

2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.

3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.

4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

e) Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating mid-year may request that their winter or spring award be used for fall term.

f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority

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consideration dates and the priority processing guidelines established by this Section.

g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.

h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.

i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.

j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:

- 1) maximum award specified at 110 ILCS 947/35(c); or
- 2) institution's tuition and mandatory fee charges on file with ISAC.

k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

l) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.

n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.

o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)

p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings (except qualifying remedial courses), clock hour programs or correspondence courses. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part

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of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible.

q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)

s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.

t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit Monetary Award recipients. The institution is obligated to provide Monetary Award recipients the same facilities and instruction, on the same terms, as are provided to other students.

u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:

- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
- 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
- 3) The recipient must be enrolled full-time.
- 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (NG) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because NG and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.

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d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan, or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:

- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
- 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.
- g) Institutions of higher learning shall submit payment requests to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.

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- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC renits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Under no circumstances are institutions to submit their payment requests until after the second week of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through the Monetary Award Program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons authorized by this Part. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
 - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
 - 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the

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- Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)
- 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

Section 2735.50 Advance Payment Option

- a) ISAC-approved institutions of higher learning may request consideration for the advance payment option. To be eligible, the institution must have received MAP payments for each of the last 5 academic years, and ISAC must have completed an audit of the institution's performance during that 5 year period. Institutions with provisional eligibility shall not receive advance payments. (See 23 Ill. Adm. Code 2700.30(i)(6).)
- b) Subject to the availability of funds, payments are advanced on a term-by-term basis. Advance payments are made in an amount not to exceed 75 percent of a term's announced recipients, adjusted for attrition as determined by subsection (c)(2). The formula by which ISAC computes an institution's advance payment is illustrated in Appendix A of this Part.
- c) For purposes of computing an institution's advance payment, ISAC uses the lowest retention rate resulting from the following three formulae:
 - 1) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards;
 - 2) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year; or
 - 3) Using the formula in subsection (c)(2) above, compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.
- d) Requests for advance payment shall be submitted by June 1 with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(e)). The balance of payment due for the current term will be paid to the institution after ISAC receives a payment request.
- e) If an advance payment received by an institution exceeds the total grant payments for which that institution's students are eligible, the institution shall submit the appropriate refund to ISAC prior to the end of the academic year.

Section 2735.60 Contractual Agreement Requirements

- a) The primary purpose of a MAP-approved contractual course of study must be educational and must lead to, and be required for, a degree or health education certificate in a published course of study offered by an ISAC-approved institution.

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- b) All contractual agreements between ISAC-approved public institutions and non-approved institutions must be programs approved by the Illinois Board of Higher Education (IBHE). (See 23 Ill. Adm. Code 1050.) All ISAC-approved institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting MAP payment for any contractual course work taken. ISAC shall approve the contractual agreement if the terms are consistent with this Section.
- c) The institution of record must be an ISAC-approved institution.
- d) An ISAC-approved institution may enter into a contractual agreement with a non-approved institution/agency only if the approved ISAC institution does not have specific educational facilities and faculties available within the institution to offer the Illinois Board of Higher Education-approved programs.
- e) All ISAC-approved institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more institutions/agencies. Only courses required for these programs that are included in the published curriculum will be eligible for ISAC payment. Furthermore, only those courses approved by the Illinois Community College Board for baccalaureate or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.
- f) The governing boards of all ISAC-approved institutions not subject to IBHE contractual guidelines and/or program review and approval procedures should certify to ISAC that the following items are included within the contractual agreement and are the responsibilities of the ISAC-approved institution:
- 1) administrative responsibility for the program is with the ISAC-approved institution;
 - 2) provisions for program supervision, including on-site visits by the ISAC-approved institution;
 - 3) admission policies consistent with the approved institution's policies;
 - 4) procedures for the maintenance of records and transcripts by the ISAC-approved institution;
 - 5) statement on student tuition, fees and other charges;
 - 6) number of credit hours required and criteria for course completion within the program consistent with the ISAC-approved institution's policies and guidelines for all programs;
 - 7) student withdrawal policy consistent with ISAC-approved institution policy;
 - 8) maintenance of liability insurance;
 - 9) responsibility for faculty employment and evaluation;
 - 10) availability of student auxiliary services;
 - 11) consistency with policies, rules and regulations of other State approval agencies;
 - 12) establishment and utilization of a representative advisory

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- committee;
- 13) provision for follow-up studies consistent with the ISAC-approved institution practices;
 - 14) annual program and contract review by the ISAC-approved institution; and
 - 15) certification that the non-approved institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards.
- g) ISAC requires all ISAC-approved institutions to indicate the percentage of their own students who participate in the contract program(s) of study, and the percentage of all students enrolled in the non-approved institution/agency who will receive tuition assistance through an approved contractual agreement. When either of these percentages exceeds 30%, the contractual agreement will not be approved by ISAC.
- h) All students wishing to enter into programs where contractual courses are taken must be informed by the ISAC-approved institution whether these courses are eligible for ISAC payment.
- i) The Consortium Agreement (see 23 Ill. Adm. Code 2700.20) shall be filed with ISAC along with annual tuition and fee charges. (See 23 Ill. Adm. Code 2700.30(e).)

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Section 2735.APPENDIX A Advance Payment Formula

a) The formula abbreviations are as follows:

- 1) ATA = Announced Term Awards
- 2) ADV = Average Dollar Value of ATA
- 3) CT = Current Term
- 4) DA = Dollars Advanced
- 5) FY = Fiscal Year
- 6) PFY = Previous Fiscal Year
- 7) RR = Retention Rate
- 8) %AD = Percentage Advanced

b) The advanced payment formula established at Section 2735.50(a)(2) may be demonstrated as follows:

$$[(ATA \times RR) \times \%AD] \times ADV = DA$$

c) Sample Award History:

Announced Awards	Awards Claimed	RR
FYA: 6,050	3,063	.51
FYB: 5,271	3,214	.61
FYC: 5,001	2,313	.46
FYD: 3,333	1,619	.49
PFY: 3,468	1,285	.37

Five year average RR: .49

Total Dollars Announced	Total Dollars Claimed	RR
PFY: 1,245,568.00	\$383,647.50	.31

CT ATA: 859

CT ADV: \$403.27

%AD: .75

d) Sample Calculation:

- 1) $[(859 \times .31) \times .75] \times 403.27 = DA$
- 2) $(266.29 \times .75) \times 403.27 =$
- 3) $199.718 \times 403.27 =$
- 4) $DA = \$80,540.28$

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Paul Douglas Teacher Scholarship (PDTS) Program

2) Code Citation: 23 Ill. Adm. Code 2762

3) Section numbers: Adopted Action:

2762.10 Repealed

2762.20 Repealed

2762.30 Repealed

2762.40 Repealed

4) Statutory Authority: Implementing and authorized by Section 521 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20 (b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

5) Effective Date of Rule(s): July 18, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 18, 1997

9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2076, February 14, 1997

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section

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xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

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- 1) Heading of the Part: Paul Douglas Teacher Scholarship (PDTs) Program
- 2) Code Citation: 23 Ill. Adm. Code 2762
- 3) Section Numbers: Adopted Action:
2762.10 New
2762.20 New
2762.30 New
2762.40 New
- 4) Statutory Authority: Implementing and authorized by Section 521 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20 (b) and (f) of the Higher Education Student Assistance Act (110 ILCS 947/20(b) and (f)).
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules

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with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In comparison to ISAC's existing rules for this Part, no substantive changes have been made to this program. However, due to the number of formatting changes involved in implementing the new codification scheme, the previous Part is being repealed and entirely new rules are being adopted.

16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500

email: rmartine@isc016rl.state.il.us

The full text of the adopted rule(s) begin on the next page.

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NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2762

PAUL DOUGLAS TEACHER SCHOLARSHIP (PDTs) PROGRAM

Section

2762.10 Summary and Purpose

2762.20 Applicant Eligibility

2762.30 Program Procedures

2762.40 Institutional Procedures

AUTHORITY: Implementing and authorized by Section 521 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20(b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; emergency expired December 14, 1986; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992; amended at 17 Ill. Reg. 10611, effective July 1, 1993; amended at 18 Ill. Reg. 10333, effective July 1, 1994; amended at 19 Ill. Reg. 8378, effective July 1, 1995; amended at 20 Ill. Reg. 9238, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11200, effective July 1, 1996.

Section 2762.10 Summary and Purpose

- a) The Paul Douglas Teacher Scholarship Program enables and encourages outstanding high school graduates to pursue teaching careers at the pre-school, elementary or secondary school level by providing financial assistance in the form of a scholarship.
- b) Federal regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), institutions and recipients. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois. (See: 34 CFR 653.)
- c) Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2762.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a United States citizen or an eligible noncitizen;

- 2) a resident of Illinois;

- 3) a high school graduate, its equivalent, or a student scheduled to graduate from high school by the end of the secondary school year in which the award is made, who:
 - A) graduated or will graduate in the top ten percent of his/her graduating class; or

- B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States high school graduates; and

- 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in a Teacher Education Program.

A) The applicant must:

- i) be enrolled or accepted for enrollment on a full-time basis;
- ii) be enrolled in the last academic term before graduation or engaged in student teaching if enrolled less than full-time; and
- iii) maintain satisfactory progress toward a degree, or, if the student already has a degree, toward teacher certification, in accordance with the institution's satisfactory academic progress policy.

- B) Enrollment must be in a postsecondary institution that is approved by the U.S. Department of Education to participate in federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)

Section 2762.30 Program Procedures

- a) Applicants will be notified whether they are qualified applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- b) Recipients shall be selected from among the qualified applicants on the basis of the following criteria:
 - 1) Postsecondary Academic Level. Awards will be made first to renewal applicants, then to all graduate students and seniors, then to all juniors, then to all sophomores, and then to all freshmen.
 - 2) Special Consideration. If there are insufficient funds to award scholarships to all qualified applicants, ISAC shall give special consideration to qualified applicants who are within the same academic level and who:
 - A) intend to teach or provide related services to students with disabilities;
 - B) intend to teach limited English proficient students;
 - C) intend to teach preschool age children;

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- D) intend to teach in schools servicing inner city or rural or geographically isolated areas;
- E) intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers; or
- F) are from disadvantaged backgrounds, including students from low-income families; racial and ethnic minorities; individuals with disabilities; and students underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.
- 3) Shortage of Teachers. If there are insufficient funds to award scholarships to all qualified applicants within a given academic level who are entitled to special consideration, awards will be made first to all applicants enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54.Subpart D.) Funds will next be awarded to applicants at the same academic level in non-shortage disciplines.
- 4) The Expected Family Contribution (EFC) derived from Federal Methodology. If funds are insufficient to make awards to all applicants who are entitled to special consideration, to all applicants in shortage disciplines or to all applicants in non-shortage disciplines, within an academic level, applicants will be ranked in order of the applicant's EFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing EFC. Those applicants who did not apply for federal student financial aid, and therefore do not have an EFC, are eligible to receive this scholarship but will be ranked last in their relevant group.
- c) An applicant shall receive a scholarship renewal provided s/he continues to meet the requirements of Section 2762.20, Applicant Eligibility. No recipient may receive more than eight semesters/twelve quarters of scholarship assistance. A recipient shall not receive a scholarship renewal if s/he remains at the same academic level for more than two years.
- d) The total number of recipients selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.
- e) ISAC applications for the Paul Douglas Teacher Scholarship Program are available for distribution to students from: approved high schools in Illinois; offices of Congressional Representatives from the State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield; and postsecondary institutions throughout Illinois.
- f) A completed application must be received in ISAC's Deerfield office on

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- or before August 1 preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.
- 1) All applicants who had not previously been designated as recipients should also apply for federal student financial aid to determine EFC for the purpose of determining their rank within their relevant group. (See: 20 U.S.C.A. 1070a.)
- 2) First-time applicants must also provide their postsecondary institution a copy of their high school transcripts, any other documentation which verifies rank in class upon high school graduation, or documentation showing their GED test scores. The institution shall certify to ISAC whether the applicant meets the eligibility criteria listed in Section 2762.20, Applicant Eligibility.
- g) A congratulatory letter shall be sent to each qualified applicant who is selected as a recipient. A listing of recipients shall be made available to institutions, members of Congress, and to the media.
- h) Renewal applications are mailed annually to recipients and must be submitted to ISAC on or before August 1 preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.
- i) Prior to receiving scholarship assistance for any academic year, the recipient must sign a Teaching Agreement/Promissory Note that is submitted to ISAC.
- 1) The Teaching Agreement/Promissory Note shall require the recipient to either:
- A) fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or
- B) repay all or part of the scholarship, plus interest, as provided by federal regulations. (See: 34 CFR 653.62(c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.
- 2) The Teaching Agreement/Promissory Note shall include:
- A) a stipulation that:
- i) the recipient teach on a full-time basis for a period of not less than two years, for each year of assistance received, in a public or private nonprofit preschool, elementary, or secondary school, or
- ii) the recipient teach, on a full-time basis, children with disabilities or children with limited English proficiency in a private non-profit school, and
- B) a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education, and
- C) a further stipulation that the recipient agrees to provide

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ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).

- j) A recipient will be entitled to defer payments due, as outlined in subsection (i)(1)(B) of this Section, during any period in which the recipient meets the conditions outlined in Section 528 of the Higher Education Act, as amended, or applicable federal regulations (see: 34 CFR 653.62(g)).
- k) A recipient shall be excused from repayment, for any scholarship assistance received under this part, if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

Section 2762.40 Institutional Procedures

a) Scholarship Amount

- 1) In accordance with this subsection (a), the recipient's postsecondary institution shall compute the amount of the scholarship and shall submit a request form.
- 2) Except as otherwise provided in this subsection (a), scholarships shall be in the amount of \$5,000 if the student is enrolled for the full academic year. The maximum scholarship for one semester is \$2,500; the maximum scholarship for one quarter is \$1,666.67.
- 3) If a Paul Douglas Teacher Scholarship, when added to the amount the applicant is to receive for the same academic year under Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 *ll et seq.*), would exceed the applicant's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711), the institution shall take the receipt of the scholarship into account in determining the student's eligibility for other federal financial aid programs. A Paul Douglas Teacher Scholarship shall not be reduced because of the receipt of other federal student assistance.
- 4) In any academic year in which the recipient accepts financial assistance through the Special Education Teacher Tuition Waiver Program (see: 23 Ill. Adm. Code 2765), DeBolt Teacher Shortage Scholarship Program (see: 23 Ill. Adm. Code 2764), or the Minority Teachers of Illinois Scholarship Program (see: 23 Ill. Adm. Code 2763), the recipient shall not be eligible for scholarship assistance under this Part.
- 5) A recipient may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the recipient's cost of attendance exceeds the amount of the scholarship.
- b) Scholarship funds are applicable towards two semesters/three quarters of full-time study within an academic year. Upon receipt of

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scholarship funds, the institution shall verify that the recipient continues to be enrolled. The institution may then credit scholarship funds to the recipient's account for expenses due and payable. The balance of the scholarship funds shall be released to the recipient. If the recipient withdraws from enrollment, the institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

- c) Out-of-state institutions that are eligible to participate in Title IV federal student financial aid programs need not execute a Program Participation Agreement with ISAC to receive funds on behalf of recipients.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3) Section numbers:

2755.10	Repealed
2755.20	Repealed
2755.30	Repealed
2755.40	Repealed
2755.50	Repealed
2755.Appendix A	Repealed
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2093, February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general,

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ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 847/948-8500
 email: rmartine@isc016rl.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

1) Heading of the Part: Robert C. Byrd Honors Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2755

3) Section Numbers: Adopted Action:
 2755.10 New
 2755.20 New
 2755.30 New
 2755.40 New
 2755.APPENDIX A New

4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) Effective Date of Rule(s): July 18, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 18, 1997

9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, Section 2755.30 now identifies the timeframes in which the standardized tests must be taken through a cross-reference to the State Scholar rules (23 Ill. Adm. Code 2760), which have similar provisions.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in

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order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follows the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Due to the nature of this program and the need for equitable geographic distribution of scholarships within the state, however, ISAC has opted to identify the counties within the geographic districts and the number of new scholarships to be awarded each year in an appendix to this Part. For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Statutory eligibility criteria that previously had been included in various definitions have been moved to the Applicant Eligibility Section of the adopted rules. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, the date by which an applicant will be informed of his or her designation as a Byrd Scholar has been changed from April 1 to May 1. Additionally, the date by which high schools are notified of any Byrd Scholars attending their schools has been changed from April 1 to May 1. These changes are being made to promote consistency among ISAC programs.

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- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016rl.state.il.us

The full text of the adopted rule(s) begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section	Summary and Purpose
2755.10	Applicant Eligibility
2755.20	Program Procedures
2755.30	Institutional Procedures
2755.40	Geographic Districts
Appendix A	

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. 8386, effective July 1, 1995; amended at 20 Ill. Reg. 9244, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11211, effective _____.

Section 2755.10 Summary and Purpose

- a) The Robert C. Byrd Honors Scholarship Program promotes student excellence and outstanding academic achievement by providing scholarships to exceptional high school graduates who show promise of continued academic excellence.
- b) Federal regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), institutions and recipients. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois.
- c) Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2755.20 Applicant Eligibility

- a) Initially, a qualified applicant shall:
 - 1) be a United States citizen or eligible noncitizen;
 - 2) be a resident of Illinois;
 - 3) become a high school graduate in the same high school year in which s/he submits the scholarship application, or have passed a General Educational Development (GED) test in the same high school year in which s/he submits the scholarship application;
 - 4) demonstrate outstanding academic achievement as measured by test

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scores and high school records, or have received a GED test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top five percent of the United States high school graduates; and

- 5) be enrolled or accepted for enrollment on a full-time basis as an undergraduate student in a postsecondary institution that is approved by the U.S. Department of Education to participate in federal student financial assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)

b) A recipient will continue to be eligible for a scholarship if the postsecondary institution at which the student is enrolled certifies that the recipient is:

- 1) maintaining enrollment as a full-time student, except as provided in Section 2755.30(e) of this Part;
- 2) maintaining satisfactory academic progress as determined by the institution;
- 3) not in default on any federal student loan nor owing repayment on any state or federal student financial assistance grant; and
- 4) not receiving federal financial aid in excess of the student's cost of attendance, as determined by the institution.

Section 2755.30 Program Procedures

a) A completed application for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before January 15 preceding the academic year for which the scholarship is being requested.

b) Applications for the Robert C. Byrd Scholarship are available for distribution to students at approved high schools in Illinois; offices of District and Regional Superintendents of Education of the State of Illinois; offices of ISAC in Springfield, Chicago and Deerfield.

c) If the student section of the application is incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

d) Recipients must be enrolled on a full-time basis for the first year of study.

e) After the first year of study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances. A waiver form shall be completed by the recipient and submitted to ISAC with accompanying documentation. The circumstances under which an exception to the full-time enrollment requirement may be granted include:

- 1) the recipient's employment hours will not permit additional course load;
- 2) the recipient has medical problems that will not permit full-time

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attendance, as established by the sworn statement of a licensed physician;

- 3) the recipient is in his/her last semester of school and additional course work to complete the degree is not required; or

4) the care of an immediate family member due to illness or incapacitation will not permit an additional course load.

f) After the first year of study, a recipient may postpone or interrupt his or her enrollment at an institution for a maximum of 12 months.

g) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.

h) ISAC shall select new recipients from among the timely applications filed by highest scoring qualified applicants on the basis of the following criteria:

- 1) Academic Data. A qualified applicant's score shall be computed as follows:

$$\begin{aligned} & [(\text{number in class divided by rank}) \times .05] \\ & + [(\text{grade point average divided by scale}) \times 100] \\ & + (\text{Illinois Standard Test Score} \times 10) = \text{score} \end{aligned}$$

A) Rank in class, class size and grade point average (GPA) shall be reported as of the end of the third semester prior to graduation from high school or its equivalent. An institution shall use the same class size and GPA scale in reporting all of its applicants.

B) SAT I or ACT tests, which must be taken during the timeframe(s) identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).

C) If more than one score is submitted, the highest score is used.

D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average divided by scale.

E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.

2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.

i) Scholarships will be awarded first to renewing applicants.

j) Scholarship funds are applicable towards an academic year of study.

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- k) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district.
- l) The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 419P of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.
- m) Recipients will be informed of their selection by the May 1 preceding the academic year for which the scholarship was requested.
- n) High schools will be notified of the recipients attending their high school by May 1.
- o) All qualified applicants who are not selected will receive letters notifying them that they have not been chosen as recipients.
- p) If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.
- q) Each year recipients shall complete an "Eligibility Certification" that includes statements required by ED.
- r) Scholarship funds shall be sent to the institution on behalf of the recipient(s).

Section 2755.40 Institutional Procedures

- a) Institutions shall certify the qualified applicant's eligibility with its request for payment within the timeframe specified by ISAC.
- b) Upon receipt of scholarship funds, the institution(s) shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit scholarship funds to the recipient's account for expenses due and payable. If the recipient withdraws from enrollment prior to completing the academic year of study, the institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.
- c) The total amount of the Byrd Scholarship awarded to a recipient in any given academic year, when added to the other federal or state financial aid available to the recipient for that year, cannot exceed the student's cost of attendance.
- 1) The amount of any federally guaranteed student loans should be decreased prior to reducing the amount of the Byrd Scholarship.
- 2) A Monetary Award Program (MAP) grant should be decreased prior to reducing the amount of a Byrd Scholarship.
- 3) The Byrd Scholarship should be decreased prior to reducing the amount of a Federal Pell Grant.
- d) Except as provided in Section 2755.40(c) of this Part, a recipient may receive up to \$1500 for each academic year, up to a maximum of four years of study. Scholarship payment is subject to the limit of

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- e) Out-of-state institutions that are eligible to participate in Title IV federal student financial aid programs need not execute a Program Participation Agreement with ISAC to receive funds on behalf of recipients.
- available federal funding.

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Section 2755.Appendix A Geographic Districts

District Number	Counties	Number Of New Scholarships
1	Cook	110
2	DuPage	22
3	Lake	11
4	Winnebago, Boone, McHenry	11
5	Mercer, McDonough, Adams, Schuyler, Warren, Fulton, Sangamon, Cass, Menard, Hancock, Mason, Henderson	
6	DeKalb, Kane, Lee	
7	Kendall, Will, Grundy	
8	Jo Daviess, Ogle, Carroll, Henry, Bureau, Rock Island, Whiteside, Stephenson	
9	LaSalle, Putnam, Livingston, Ford, McLean, Kankakee, Iroquois	
10	Knox, Stark, Marshall, Peoria, Woodford, Tazewell	
11	Champaign, Edgar, Vermilion, Coles, Clark, Douglas, Cumberland, Jasper, Crawford	
12	Logan, Dewitt, Piatt, Macon, Christian, Moultrie, Shelby, Montgomery, Clay, Marion, Effingham, Bond, Fayette	
13	Calhoun, Green, Scott, Brown, Pike, Jersey, Morgan, Madison, Macoupin	
14	Richland, Wayne, Lawrence, Wabash, Edwards, White, Jefferson, Union, Franklin, Hardin, Hamilton, Saline, Gallatin, Johnson, Pope, Jackson, Massac, Alexander, Pulaski, Williamson	
15	St. Clair, Perry, Clinton, Monroe, Washington, Randolph	
-	At-Large	

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section numbers: Adopted Action:
 2760.5 Repealed
 2760.10 Repealed
 2760.30 Repealed
 2760.40 Repealed
 2760.App.A Repealed
 2760.App.B Repealed
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 947/20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2111, February 14, 1997
- 10) Has JC&AR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JC&AR been made as indicated in the agreement letter issued by JC&AR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every Part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10

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Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartinez@isc016r1.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section Numbers: Adopted Action:
2760.10 New
2760.20 New
2760.30 New
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, ISAC received a suggestion that the new scoring systems be implemented in a manner that would not adversely impact the students who had already taken the necessary standardized tests and who already had their class ranks determined. ISAC adjusted Section 2760.20(b) so that current students, who have already begun the two-year long process of qualifying as State Scholars, would be selected by using existing criteria. Future students would learn of the new criteria through various publications and be chosen under the new criteria.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the Illinois Register and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

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- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility and Section xxx.30 Program Procedures). Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program, the new rules include several changes affecting the criteria used to determine applicant eligibility. Previously, if a student submitted scores from more than two tests, ISAC disregarded the lower score and averaged the remaining scores. The new rules allow ISAC to use the highest score submitted by a student to determine eligibility. Additionally, a simplified, more equitable formula for determining the Illinois Weighted Selection Score has been adopted. The previous formula weighed test scores more heavily than class rank while the new formula gives equal weight to both attributes. An analysis of the program changes has shown that although the overall number will not be affected, slightly more female, African-American, Native-American and Mexican-American students will be designated as State Scholars as a result of this change.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 16) Information and questions regarding these adopted rule(s) shall be directed to:

Ms. Raquel G. Martinez
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016r1.state.il.us

The full text of the adopted rule(s) begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.10 Summary and Purpose

2760.20 State Scholar Eligibility

2760.30 Program Procedures

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. ~~11321~~ ¹¹³²², effective ~~July 1, 1996~~ ^{July 1, 1997}.

Section 2760.10 Summary and Purpose

- a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student designated as a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. No financial assistance is awarded by ISAC through this program.
- b) This Part establishes rules which govern the State Scholar Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2760.20 State Scholar Eligibility

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- a) To be considered for the State Scholar Program, a high school student shall:

- 1) demonstrate superior academic potential as measured by test scores and high school records;
- 2) be a United States citizen or eligible noncitizen;
- 3) be a resident of Illinois;
- 4) rank in the upper half of his/her high school class; and
- 5) attend an approved high school.

- b) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the College Board's SAT I: Reasoning Test, during the third or fourth semester prior to graduation from high school (e.g., for a student attending high school for the traditional eight semesters, the exam must be taken during the fifth or sixth semester).

- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.
- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest scores and use the average of the remaining scores.
- 5) For students entering the State Scholar competition for academic year 1999-2000 and beyond, ISAC will use the highest score of those who submit scores from two or more examinations taken during the designated period.
- 6) When a student submits scores to ISAC, the student must report his/her academic level at the time the test was taken.

- c) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.

- d) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (b) and (c) of this Section.

Section 2760.30 Program Procedures

- a) In order for its students to be considered for the State Scholar program, a high school must calculate and provide to ISAC class ranks as of the third semester prior to graduation of students who desire to be considered for the Program.

- 1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of

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students being ranked.

Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

2) The equivalent term rank shall be provided for students planning to graduate in other than the traditional four years (see Section 2760.20(b)).

b) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) SAT I verbal and math scores shall be added, and then converted to the Illinois Standard Test Score using the table below.

Illinois Standard Test Score Table

Illinois Standard Test Score	SAT I Verbal + Math	ACT Composite
36	1580 to 1600	36
35	1530 to 1570	35
34	1500 to 1520	34
33	1450 to 1490	33
32	1400 to 1440	32
31	1360 to 1390	31
30	1320 to 1350	30
29	1280 to 1310	29
28	1240 to 1270	28
27	1200 to 1230	27
26	1170 to 1190	26
25	1130 to 1160	25
24	1090 to 1120	24
23	1050 to 1080	23
22	1010 to 1040	22
21	970 to 1000	21
20	930 to 960	20
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18	850 to 880	18
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15	710 to 750	15
14	660 to 700	14
13	620 to 650	13
12	570 to 610	12
11	520 to 560	11
10	470 to 510	10
9	430 to 460	9
8	400 to 420	8

c) High school class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

$$\text{Percentile} = \left[\frac{\text{Size of Class} - \text{Rank in Class} + 1}{\text{Size of Class}} \right] \times 100$$

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

d) Illinois Weighted Selection Score computation:

- 1) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.
- 2) For students entering the State Scholar competition for academic year 1999-2000 and beyond, an Illinois Weighted Selection Score for each student shall be computed by adding the Illinois Standard Test Score to the Illinois Standard Rank Score.
- e) In any academic year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high

ILLINOIS STUDENT ASSISTANCE COMMISSION

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school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

- f) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination, regardless of that student's class rank.

- g) A Certificate of Achievement and congratulatory letter are issued for each State Scholar.

- h) A listing of State Scholars shall be available upon request to colleges, members of the General Assembly and to the media.

- i) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.

- j) High school officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)

- k) If an appeal concerning an applicant's eligibility is received, ISAC shall request the high school verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Student to Student (STS) Program of Matching Grants

- 2) Code Citation: 23 Ill. Adm. Code 2770

- 3) Section numbers: Adopted Action:
2770.10 Repealed
2770.20 Repealed
2770.30 Repealed

- 4) Statutory Authority: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistant Act [110 ILCS 947/65 and 20(f)].

- 5) Effective Date of Rule(s): July 18, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: July 18, 1997

- 9) Date Notice of Proposed Repealer was Published in Illinois Register: 21 Ill. Reg. 2128, February 14, 1997

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

- 11) Difference(s) between proposed and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC is adopting rules concurrently which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.

- 15) Summary and Purpose of Amendments: As part of ISAC's annual rules review process, staff and clients became cognizant of the fact that many parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. In an effort to simplify its rules, and student financial assistance processes in general, ISAC intends for every part relating to State scholarships, grants or alternative loans to follow the same basic format (i.e., Section xxxx.10 Summary and Purpose, Section xxxx.20 Applicant Eligibility, Section xxxx.30 Program Procedures, and Section xxxx.40 Institutional Procedures). Additionally, definitions, that previously had been contained in various

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Parts of ISAC's rules, are being moved to one central location (i.e., General Provisions, 23 Ill. Adm. Code 2700.20) or are being incorporated into the Applicant Eligibility Section within the Part. Because of the format changes described above, some subsections needed to be moved from one section to another, making it difficult to discern between substantive amendments and the basic reorganization of existing provisions within the Part. Rather than engaging in multiple rulemakings (to recodify or renumber and amend) to meet the State's codification requirements, ISAC determined that it would be most prudent to rewrite the rules for this program. Therefore, due to the number of formatting changes involved in implementing the new codification scheme, the existing rules have been repealed and entirely new rules have been adopted in conjunction with this repealer.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 847/948-8500
 email: rmartinez@isc016r1.state.il.us

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

- 1) Heading of the Part: Student to Student (STS) Program of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3) Section Numbers: Adopted Action:
 2770.10 New
 2770.20 New
 2770.30 New
 2770.40 New
- 4) Statutory Authority: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].
- 5) Effective Date of Rule(s): July 18, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 18, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1997
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: Most of the changes in this rulemaking were merely minor or technical in nature and were made in response to comments from the public or suggestions from JCAR staff. Additionally, Section 2770.40(a) now contains a date (i.e., August 15) by which institutions must inform ISAC of their desire to participate in this program.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No. Nevertheless, please note that ISAC has repealed the existing rules for this program in this issue of the *Illinois Register* and concurrently is adopting rules which implement the new and improved "re-engineered" codification scheme for all of this agency's programs.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. This year, in response to client

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suggestions and in an ongoing effort to simplify the student financial aid delivery process, ISAC staff reviewed the agency's administrative rules with the goal of standardizing them where possible, and thus making them more user-friendly for students and schools alike. This mirrors an effort currently underway at the U.S. Department of Education to review and streamline federal regulations in order to simplify student financial assistance processes.

ISAC staff has been working with the financial aid community to review policies, procedures, systems, rules, etc., in order to improve processes for the awarding of scholarships and grants, with a focus on improvements in efficiency, standardization and simplification. This process, termed "Scholarship and Grant Re-engineering" is a multi-year project involving several components: systems, applications, rules and legislation. The ultimate goal is for the programs to be more uniform, which will result in more understandable and easily-administered programs.

Toward this end, ISAC has adopted several formatting changes to the rules for this program which will allow similarities between the programs to be easily identified, will highlight differences in eligibility criteria and program requirements, and will better serve the population that this program is designed to benefit. Many Parts of ISAC's rules have evolved over the years and, as a result, have followed somewhat different section numbering and title formats. Now every Part of the rules related to the State scholarship and grant programs and the Alternative Loan Program follow the same basic format (i.e., Section xxx.10 Summary and Purpose, Section xxx.20 Applicant Eligibility, Section xxx.30 Program Procedures, and Section xxx.40 Institutional Procedures). For ease of reference, ISAC has moved all definitions to the Definitions Section in General Provisions, 23 Ill. Adm. Code 2700.20. Further, in response to a recommendation from JCAR staff, ISAC has chosen to discontinue the practice of capitalizing defined terms within the text of the rules.

In contrast to ISAC's prior rules for this program and to facilitate equitable payment of the appropriated funds to all participating institutions, payment claim deadline dates have been included in the Institutional Procedures Section. Additionally, the Institutional Procedures Section has been updated to reflect a change in the State's lapse period. Previously, there was a three month period following the close of the State's fiscal year when outstanding liabilities could be paid out of expiring appropriations. A legislative amendment shortened that period by one month (P.A. 89-511, effective July 11, 1996). Therefore, adjustments needed to be made to ISAC's payment processing procedures and the rules affecting payment claims were amended accordingly.

16) Information and questions regarding these adopted rule(s) shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
847/948-8500
email: rmartine@isc016rl.state.il.us

The full text of the adopted rule begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULE(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section

2770.10 Summary and Purpose

2770.20 Applicant Eligibility

2770.30 Program Procedures

2770.40 Institutional Procedures

AUTHORITY: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993; amended at 18 Ill. Reg. 10354, effective July 1, 1994; amended at 20 Ill. Reg. 9260, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. effective 11232.

Section 2770.10 Summary and Purpose

a) Student to Student is a program of monetary awards available to undergraduates at state-supported colleges and universities through voluntary contributions from students and matching grants from the State.

b) This Part establishes rules that govern the Student to Student (STS) Program of Matching Grants. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2770.20 Applicant Eligibility

a) To be considered for a Student to Student matching grant, a student shall be enrolled at a participating Illinois public university or a participating Illinois public community college as established and defined by the Public Community Colleges Act.

b) A student must demonstrate need by some nationally recognized need analysis system to be eligible for an STS matching grant.

Section 2770.30 Program Procedures

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- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois college or public university. The funds for those programs must be derived from voluntary contributions raised by students from students of that college or university according to a plan developed and approved by the students and consistent with college or university policies.
- b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by ISAC.
- c) Students shall approve the plan for raising voluntary contributions by a majority of those voting in a campus-wide referendum.
- d) The contributions, to be eligible for matching funds, must be voluntary and optional (as contrasted to a nonrefundable fee or charge). Only those voluntary contributions made by enrolled students of the college or university are eligible for matching. If any fundraising activity yields contributions from other individuals or organizations, the voluntary contributions from enrolled students must be clearly identifiable.
- e) Particular care must be employed in implementing contribution plans that generate contributions from nonstudents. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.
- f) No eligible contribution can exceed \$9 per academic year.
- g) The \$1,000 annual limit on an STS award shall be applicable to all terms, including the summer term.
- h) STS funds can be used for undergraduates who are otherwise eligible for an ISAC Monetary Award grant but have completed their 10 semesters or 15 quarters of eligibility.

Section 2770.40 Institutional Procedures

- a) Each institution desiring to participate in this program shall inform ISAC, in writing, by August 15 preceding each award year.
- b) A claim for matching funds may be submitted to ISAC by dates specified in subsection (d) of this Section. The initial claim shall include:
 - 1) the amount of the claim;
 - 2) how general student approval was obtained;
 - 3) how funds were collected;
 - 4) the steps employed to ensure that student contributions were voluntary; and
 - 5) documentation that the claim includes only voluntary contributions by enrolled students.
- c) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.
- d) Institutions shall submit a payment request to ISAC based on eligible match amounts. The deadlines for submission of complete payment requests shall be October 15 for summer terms; February 15 for first

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semester/quarter; April 15 for second quarter; and June 15 for second semester/third quarter. All claims, including supplemental claims, must be submitted no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending August 31. STS matching funds are paid by ISAC directly to the institution.

e) The reimbursement to institutions for Student to Student matching funds is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims in full, claims will be prorated. Claims will be considered for payment in the following order:

- 1) summer term claims received by October 15;
 - 2) first semester and first quarter claims received by February 15;
 - 3) second quarter claims received by April 15; and
 - 4) second semester and third quarter claims received by June 15.
- f) Each participating college or university shall submit to ISAC an annual report, no later than August 15 following the award year, of the activities, operations and results of its STS grant program. ISAC shall forward a copy of such report to the Illinois Board of Higher Education.
- g) Matching funds must be expended by the end of the academic year following the year in which the funds are requested.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Prequalification of Contractors and Issuance of Plans and Proposals

2) Code Citation: 44 Ill. Adm. Code 650

3) Section Numbers: Adopted Action:

650.20	Amend
650.30	Amend
650.80	Amend
650.110	Amend
650.130	Amend
650.170	Amend
650.180	Amend
650.190	Amend
650.200	Amend
650.240	Amend
650.260	Amend
650.280	Amend
650.310	Amend
650.320	Amend
650.330	Amend
650.340	Amend
650.350	Amend
650.Appendix A	Amend

4) Statutory Authority: Implementing Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5.2 of the Illinois Purchasing Act [30 ILCS 505/5.2].

5) Effective date of rules: July 29, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in agency's principal office: July 29, 1997

9) Notice of proposal published in Illinois Register: May 2, 1997, 21 Ill. Reg. 5473

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The Department deleted the Part numbers at Appendix A through E on the Table of Contents page.

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The Department inserted the volume number at each Section Source Note.

At Section 650.130(a), the Department changed "of" to "after" and changed "thirty" to "30."

At Section 650.180, the opening paragraph, the Department changed the single quotes to double quotes.

In Section 650.180(a)(4)(B), the Department rewrote the note as follows: "(Note: The receivables in subsections (a)(4)(A) and (B) above must be clearly denoted on Schedule D in order to escape discount.)".

In Section 650.240(a)(2)(C), (D) and (E), the Department made grammatical changes at the end of each standard.

In Section 650.240(d), the Department changed "six" to "36."

In Section 650.260(c), (d) and (e), the Department is showing existing language stricken and is underlining new text.

In Section 650.330(c), the Department added "(see Section 650.280 of this Part)" after "ratings."

In Section 650.Appendix A, Earthwork, the Department changed the fractions under "Equipment Factor (EqF)" to decimal figures.

In Section 650.Appendix A, Earthwork, Front-end loaders, the Department added the word "size" to the formula for "3.1 to 4 cubic meter bucket."

In Section 650.Appendix A, Earthwork, Front-end loaders, the Department deleted the hyphens in the new metric formulas and in the existing formulas and inserted the word "to" where appropriate.

In Section 650.Appendix A, Earthwork, PCC Paving, Equipment Factor (EqF), the Department abbreviated "year," added an opening parentheses and changed the "1" to a slash.

In Section 650.Appendix A, Bituminous Plant Mix, the Department revised language by adding a metric heading, changing TPH to MTPH, and changing \$42 to \$35 and adding parens.

In Section 650.Appendix A, Bituminous Aggregate Mixtures, the Department added a metric heading, changed TPH to MTPH and changed \$42 to \$29.

In Section 650.Appendix A, Vegetation Spraying, Equipment Required, the Department corrected the hyphenation.

In Section 650.Appendix A, Fencing, the Department changed "\$2000,000" to

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"\$200,000."

In Section 650.170(a)(4), language was revised.

In Section 650.170(b)(2), ", while a subsection indicates that accounting principles were circumvented due to an uncontrollable circumstance, such as pending litigation" has been stricken.

In Section 650.240(c)(11), "state" is capitalized.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: By this rulemaking, the Department is amending Part 650 to, among other things, provide clarification of current Department policy regarding the determination of financial ratings and the authorization of Joint Ventures; to add a subsection regarding the issuance of Authorization to Bid without restriction, including the standards the applicant must meet in order to obtain an Authorization to Bid without restriction; to add a work category regarding erosion control pursuant to the Federal Highway Administration's and the Corps of Engineers' requirements for more stringent standards of erosion control; to revise the financial rating available to an applicant in an unaudited status; and, finally, to provide clarification of work categories contained in Appendix A of this Part and metrification formulas for the calculation of a work rating.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Gary Gould, Bureau Chief
Bureau of Construction
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764
(217) 782-6667

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

PREQUALIFICATION OF CONTRACTORS AND
ISSUANCE OF PLANS AND PROPOSALS

SUBPART A: PREQUALIFICATION

Section	Purpose
650.10	Definitions
650.20	Introduction to Prequalification
650.30	Application Requirements
650.40	Time for Submission
650.50	Public Disclosure of Contractor Information
650.60	Waiver of Prequalification
650.70	Issuance and Effect of Ratings
650.80	Effective Date of Ratings
650.90	Expiration Date of Ratings
650.100	Denial or Revocation of Ratings
650.110	Extension of Ratings
650.120	Revisions to Prequalification Ratings
650.130	Transfer of Prequalification Ratings
650.140	Reconsideration and Appeal
650.150	Financial Rating - General
650.160	Financial Statement
650.170	Balance Sheet Schedules
650.180	Other Factors Considered in Determining Financial Rating
650.190	Methods of Improving a Financial Rating
650.200	Computation of Financial Rating
650.210	Work Rating - General
650.220	Determination of Work Ratings
650.230	Performance Factor
650.240	Experience Factor (EP)
650.250	Equipment Factor (EqF)
650.260	Capacity to Perform (CP)
650.270	Calculation of Work Ratings
650.280	

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section	
650.290	Advertising for Bids
650.300	Request for Proposal Forms and Plans; Authorization to Bid
650.310	Affidavit of Availability
650.320	Analyzing Requests for Authorization to Bid

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650.330 Issuance of Authorization to Bid
650.340 Joint Ventures
650.350 Denial of Authorization to Bid

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"Available Financial Rating" - Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" - The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Section 650. Appendix A).

"Certificate of Appraiser" - The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

"Certificate of Eligibility" - A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Combined Financial Statement" - The accounting data of affiliated companies combined to form a single economic entity.

"Consolidated Financial Statement" - The accounting data of parent and subsidiary companies combined to form a single economic entity.

"Contract" - The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" - The individual, partnership, or corporation contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility.

"Department" - The Illinois Department of Transportation.

"Department of Human Rights Identification Number" - A number assigned to an applicant who has prequalified with the Department of Human Rights.

"Director" - The Director of the Division of Highways or the Director's designee.

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"District Engineer" - The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.

"Engineer of Construction" - The individual responsible for directing the development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" - The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" - A complete report of the applicant's financial status set forth on a balance sheet displaying the applicant's assets, liabilities and net worth.

"Joint Venture" - Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

"Letter of Subordination" - A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" - Total assets minus total liabilities.

"Official Newspaper" - The one designated as such by the Department of Central Management Services.

"Parent" - A corporation that owns more than half of the stock of another corporation.

"Prequalification" - The rating process established by the Department which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" - The section within the Bureau of Construction of the Department responsible for determining financial ratings, work ratings, and the issuance of bidding proposals.

"Request for Proposal Forms and Plans and Request for Authorization to Bid" - A form provided by the Department to assist a contractor in making a formal request for plans and proposal forms, and subsequent

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authorization to bid on one or all of the proposals requested.

"Responsibility" - The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance.

"Service Bulletin" - The public document which is the official publication and invitation issued by the Department for bids on construction projects.

"Specialty Items" - Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" - A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" - A corporation having more than half of its stock owned by another corporation.

"Unlimited Rating" - A financial rating in excess of \$75 million or a work rating in excess of \$25 million.

"Working Capital" - Current assets less applied discounts and current liabilities.

"Work Rating" - The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 21 Ill. Reg. 12.00, effective _____)

Section 650.30 Introduction to Prequalification

- a) As required by this Part, each bidder shall be prequalified prior to being considered for issuance of an Authorization to Bid on contracts advertised by the Department.
- b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.
- c) Upon receipt of a completed application, the Prequalification Section evaluates the information and calculates a prequalification rating for the applicant.
- d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures

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used by the Prequalification Section to determine these two subratings are delineated in this Subpart.

- e) After the Prequalification Section determines the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.

- f) Pursuant to the Act, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining bidding proposal forms and plans for contracts which are subject to the competitive bidding requirements of the Act. Information and forms concerning the rules of IDHR may be obtained from:

Illinois Department of Human Rights
Public Contracts Division
100 West Randolph - Suite 10-100
Chicago, Illinois 60601
(312) 793-2431

- g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 (~~13.05~~ ~~Rev. 1991~~ ~~ch. 327~~ ~~par. 13-05~~) [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
Centennial Building
4th Floor
Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 21 Ill. Reg. 12.00, effective _____)

Section 650.80 Issuance and Effect of Ratings

- a) Once the Prequalification Section has completed its analysis of all information relevant to the determination of ratings and has established the ratings of the applicant, a Certificate of Eligibility will be issued to the applicant. A copy of the Certificate of Eligibility will be provided to requesting units of local government.
- b) The Certificate of Eligibility permits the prequalified contractor to make application for Authorization to Bid on ~~bidding proposal forms and plans for~~ contracts in accordance with the procedures of Subpart B of this Part. The Certificate of Eligibility may be used by units of local government as evidence of contractor eligibility to bid on contracts advertised and awarded by the units of local government with

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approval by the Department as required by law.

c) The Certificate of Eligibility and the ratings therein confer neither a license nor a right to bid on or to be awarded a contract. Prequalification is an initial, preliminary determination of responsibility which must be finally determined at the time of award and execution of a contract advertised by the Department or at the time of approval in the case of contracts subject to Department approval by law.

(Source: Amended at 21 Ill. Reg. 1-1-1, effective 1-1-1)

Section 650.110 Denial or Revocation of Ratings

a) Prequalification ratings will be denied, or previously issued ratings will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:

- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
- 2) the applicant provided false information regarding the application;
- 3) the applicant is suspended pursuant to Section 6(d) of the Illinois Purchasing Act (411--Rev--Stat--1991--ch--127--par--132-64) [30 ILCS 505/6(d)] by the Department or another State agency;
- 4) the applicant is suspended or debarred by the United States through a federal agency;
- 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the Prevailing Wage Act (411--Rev--Stat--1991--ch--127--par--487-par--39e-11a) [820 ILCS 130/11a];
- 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 (720 ILCS 5/33E);
- 7) the applicant is debarred by the operation of the antibrigbery provisions of Section 10.1 of the Illinois Purchasing Act (411--Rev--Stat--1991--ch--127--par--132-10-1) [30 ILCS 505/10.1];
- 8) the applicant is suspended by operation of the antifeloncy conviction provisions of Section 10.3 of the Illinois Purchasing Act (411--Rev--Stat--1991--ch--127--par--132-10-3) [30 ILCS 505/10.3];
- 9) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act (411--Rev--Stat--1991--ch--127--par--132-316) [30 ILCS 580/6];

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10) the applicant is an individual and debarred by operation of the Educational Loan Default Act (411--Rev--Stat--1991--ch--127--par--355i-et-seq-) [5 ILCS 385];

11) the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;

12) the applicant has failed to comply with the requirements of this Part;

13) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;

14) the applicant's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part; or

15) the applicant has failed to execute a contract after award or has defaulted or otherwise breached its obligations on any contract or contracts awarded or approved for award by the Department ~~after the adoption of this Part.~~

b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.

(Source: Amended at 21 Ill. Reg. 1-1-1, effective 1-1-1)

Section 650.130 Revisions to Prequalification Ratings

a) Revision to the financial rating may be necessary during the period it is in effect if there has been a change in status of the contractor due to reasons or events including but not limited to those listed in this subsection (a). The Department may require a contractor to file a new financial statement at any time it considers such action to be warranted. The statement shall be filed within 30 thirty days after of such request. The prequalification of a contractor who fails to file the requested information will be revoked pursuant to Section 650.110 of this Part. The Department shall be notified by the contractor when it has knowledge of any of the following reasons or events:

- 1) The contractor has an organizational change involving ownership.
- 2) The contractor acquires or is acquired by another company.
- 3) The contractor incurs equipment or plant expenditures through purchase, lease or rental which totals 5 percent or more of the calculated value of the financial rating for a period of one year after the date of the financial statement. Notification of an equipment or a plant purchase should include the following:
 - A) Description (i.e., make, model, year, serial number and size or capacity);
 - B) Purchase date;
 - C) Purchase price;

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- D) Book or appraised value; and
 E) Financial transaction (i.e., cash purchase or how financed).
- 4) ~~Reduction--of--any--subordinated--long--term--notes--or--accounts payable.~~
 4)5) Reduction of any long term notes before their due date.
 5)6) The contractor incurs unanticipated stock repurchases within the period of one year after the date of the financial statement.
 5)7) Contingent liabilities which are paid within one year of the financial statement.
 7)8) Payment of the cash surrender value of life insurance.
 8)9) The contractor incurs a judgment against it due to a lawsuit.
 9)10) The contractor defaults on a loan agreement which is encumbered or pledged by current or fixed assets of the firm.
 10)11) The contractor defaults on a contract not awarded or approved for award by the Department.
 11)12) The contractor has experienced an event which has a present or future financial impact or reduction in working capital during the prequalification period. Subsequent events which represent a present or possible future reduction in working capital during the prequalification period will be reviewed and the Department will issue new ratings if the reduction in working capital exceeds 30 percent. The Department may request verification from the CPA when applicable.
- b) Revision to a work rating may be necessary during the period it is in effect for events or reasons including but not limited to those listed in this subsection (b). The Department may require the contractor to provide additional information or verification of information affecting a work rating at any time it considers such actions to be warranted. Failure to provide requested information will result in revocation pursuant to Section 650.110 of this Part. The Department shall be notified if any of the following occur:
- 1) Departure of key staff;
 - 2) Sale of equipment required to maintain the work rating; or
 - 3) Cancellation of an equipment lease or rental required to maintain the work rating.
- c) No revision of a prequalification rating requested by a contractor will be effective for a particular letting unless a revised application for prequalification or other supplemental information pertaining to changes is received within the time specified by Section 650.50 of this Part.
- d) Revision of a prequalification rating initiated by the Department shall be effective when issued.
- e) A revision involving the name, phone number or address of a contractor will not affect prequalification ratings. However, the Department should be notified of these changes as soon as they occur.

(Source: Amended at 21 Ill. Reg. 1.222, effective

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Section 650.170 Financial Statement

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

a) Audited Status

The Department will require all applicants seeking an audited status to adhere to the following:

- 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, and auditor's notes, and an income statement.
- 2) All data shall be secured from an audit conducted no more than twelve months prior to the time the financial statement is received by the Department.
- 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.
- 4) The audit of the applicant's records shall be conducted in accordance with generally accepted the accounting standards principles approved by the American Institute of Certified Public Accountants--(AICPA)--as published in--"Statement--of--Auditing Standards--No--46--Omnibus--Statement--on--Auditing Standards--AICPA--January--1989.
- 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Professional Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.
- 6) No certified financial statement will be accepted which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
- 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
 - A) name, address, and telephone number of the accounting firm involved with the audit;
 - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
 - C) the date of audit;
 - D) the degree of responsibility assumed by the CPA; and
 - E) the accountant's opinion (see subsection (b) of this Section).
- b) Opinion of Certified Accountant

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An accountant's opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:

1) **Unqualified opinion** - an opinion which contains no exceptions or **subjections** and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.

2) **Qualified opinion** - an opinion which contains an exception or **subjecttion**. An exception indicates that the CPA is not in agreement with a certain accounting principle, **while a subjecttion indicates--that accounting principles were circumvented due to an uncontrollable circumstance, such as pending litigation**. When a qualified opinion is in order, the CPA shall express the reason(s) for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.

3) **Adverse opinion** - an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position and any resulting exceptions are so material that the CPA cannot justify issuing a qualified opinion. Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.

4) **Disclaimer of opinion** - a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

c) **Unaudited Status**

The Department will require all applicants seeking an unaudited status to adhere to the following:

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1) The unaudited status is subject to the following limitations:
A) the applicant's financial rating shall be limited to no more than \$500,000 \$950-000;

B) the applicant shall not have been awarded more than \$600,000 in transportation contracts, including Local Agency Motor Fuel Tax contracts, during any twelve month period. If this condition occurs subsequent to the issuance of a Certificate of Eligibility, the prequalification ratings will automatically expire.

2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:

- A) must be prepared from data secured from the applicant's records;
- B) must not be more than twelve months old at the time of receipt by the Department;
- C) must be completed and in balance; and
- D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.

d) **Interest in Other Contracting Firms**

1) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. The same shall apply to employees who have pledged assets to the prequalified firm. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.

2) Each applicant shall disclose, in the application for prequalification, the name of each individual having a beneficial interest of 7 1/2 percent or more in the firm seeking prequalification. If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 21 Ill. Reg. 11251, effective July 2, 1993)

Section 650.180 Balance Sheet Schedules

In order to provide for the determination of ratings in as objective a manner as possible, the Department has established specific evaluations and classifications for a number of financial rating items. The value attached to the affected financial rating items shall be calculated by decreasing its face

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value by the discount established in this Part for that item. Where a valuation or classification materially affects an applicant's financial rating, and insufficient information has been submitted, the Department may ask for clarification or substantiation of a classification made by the accountant in preparing the statement. If schedules in the format established in the "Contractor's Statement of Experience and Financial Condition" are not completed, the maximum discounts will be applied. The various financial rating items and their corresponding discounts are delineated as follows:

a) Current Assets

- 1) Schedule A - Cash

Cash includes currency, personal checks, bank drafts, money orders, cashiers checks and money on deposit with banks. The Department classifies cash as a current asset and attaches no discount, provided:

- A) Deposits made for a sole proprietorship are held in the name of either the proprietor solely, or jointly with the proprietor's spouse.
- B) Deposits made for a partnership are held either in the name of any of the general partners, or in the name of the partnership.
- C) Deposits made for a corporation are held in the name of the corporation only.
- D) Deposits are free of debt or obligation. Certificates of deposits and other cash assets that are pledged will be discounted by the amount of debt or obligation.
- E) For a firm in an unaudited status, a financial release must be submitted by the firm's bank to verify balances as of the balance sheet date.

2) Schedule B - Notes Receivable

Notes receivable will be evaluated and classified as follows:

- | | Discount |
|--|----------|
| A) Secured notes receivable due within one year | 0% |
| B) Unsecured notes receivable | 100% |
| C) Any note receivable, or portion thereof, which will not be due and payable or is not expected to be collected within one year from the statement date | 100% |
| D) Notes receivable from stockholders, officers, directors, employees, parent, subsidiaries and affiliates | 100% |

3) Schedule C - Certified and Cashier's Checks on Deposit

Deposits which may be included are those which are expected to be refunded within the current period or upon request of the depositor. An example is a deposit for a proposal guarantee. Purchase deposits on real estate and equipment will be included

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in determining the value of those fixed assets. All other deposits will be discounted 100 percent.

- 4) Schedule D - Accounts Receivable - Contracts

Accounts receivable from federal and State agencies for all contracts, and from local agencies for transportation contracts are considered as current assets regardless of the contract completion date. If the applicant has completed work not covered by current pay estimates and an item for such work is shown, the accountant shall obtain evidence in writing from the parties for whom the work was performed to justify such an item. Accounts receivable shall be evaluated as follows:

- | | Discount |
|--|----------|
| A) From federal and State agency contracts and local agency transportation contracts. | 0% |
| B) From contractors on federal and State agency contracts and local agency transportation contracts. | 0% |
- (Note: The receivables in subsections (a)(4)(A) and (B) above must be clearly denoted on Schedule D in order to escape discount.)
- | | |
|--|------|
| C) From other contracts or entities. | 10% |
| D) Work completed but unbilled (other entities). | 10% |
| E) Over one year old (other entities). | 100% |

5) Schedule E - Other Accounts Receivable

- A) Any other account receivable, such as claims for tax refunds, will be carefully considered to determine whether it constitutes an authentic receivable and is collectible within one year.

- B) Other accounts receivable shall be evaluated as follows:

- | | Discount |
|--|----------|
| i) Accounts receivable offset by accounts payable. | 0% |
| ii) Income tax refunds. | 0% |
| iii) Judgements and insurance claims receivable. | 100% |
| iv) Accounts receivable over one year old. | 100% |
| v) Accounts receivable from stockholders, officers, directors and employees. | 100% |
| vi) Accounts receivable from parent, subsidiaries and affiliates. (See the exception to this discount in subsection (a)(5)(B)(vii) of this Section.) | 100% |

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- vii) Accounts receivable from prequalified parent subsidiaries and affiliates whose financial statement date corresponds to the prequalifying company and whose financial statement of the same date shows a corresponding accounts payable. 0%
- C) Total discounts for accounts receivable will be offset by any allowance established for bad debt except in cases which involve 100% discounts.
- D) In determining whether the status of a receivable is current, reference will be made to the previous statements submitted by the applicant. The appearance of an item on two or more successive statements indicates that the receivable is not current and perhaps uncollectible. Therefore, the receivable will be considered noncurrent.
- 6) Schedule F - Stocks and Bonds
- A) In listing stocks, bonds, investments, etc., in Schedule F, the accountant shall show as separate items the applicant's investments in other contracting firms.
- B) Stocks, bonds and other investments are evaluated and classified as follows:
- | | | |
|--|----------|------|
| i) Municipal, State and U.S. Bonds (cash surrender value) | Discount | 0% |
| ii) U.S. Treasury Bills (cash surrender value) | | 0% |
| iii) Repurchase agreements | | 0% |
| iv) Annuities and Individual Retirement Accounts | | 10% |
| v) Stocks, bonds and investments, including commercial paper (book value shown on balance sheet) (market value shown on balance sheet) | | 25% |
| vi) Special Assessment vouchers - tax anticipation warrants | | 25% |
| vii) Stocks of parent, subsidiaries, affiliates, etc., which are themselves prequalified | | 100% |
| viii) Nonmarketable equities - defined as equities not readily available for public sale | | 100% |
| ix) Stock in civic organizations or social clubs (i.e., country club, co-op stock, etc.) | | 100% |
| x) Artwork and collections | | 100% |

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- xi) Investments in joint ventures 25%
- xii) Investments in nonprequalified affiliated companies 25%
- xiii) Deferred tax asset 33 1/3%
- xiv) Personal effects (sole proprietor) 100%
- 7) Schedule G - Material in Stock
- A) Inventories are evaluated and classified as follows:
- | | | |
|---|----------|-----|
| i) Verified value of material in stock for current contracts except sod and growing nursery stock | Discount | 0% |
| ii) Verified value of other material in stock | | 10% |
| iii) Verified book or appraised value of sod and growing nursery stock | | 50% |
- B) In completing Schedule G, the accountant shall exclude the value of any material for which a material allowance has been paid.
- 8) Schedule H - Cash Surrender Value of Life Insurance
- Cash surrender value, not face value, of life insurance is considered a current asset provided the amount of any policy loan is considered as a current liability.
- 9) Schedule I - Prepaid Items
- All prepaid items will be discounted 100%.
- 10) Schedule J - Relation of Billings and Costs
- A) This schedule is established for the convenience of those contractors that report income for Federal tax purposes on the cash method (completed contract), but who prepare financial statements on the accrual method (percentage of completion).
- B) Where the applicant classifies his billings in excess of costs as a fixed or other liability, the Department shall reclassify it as a current liability.
- C) The discount applied to billings and costs by the Department is as follows:
- | | | |
|--|----------|-----|
| Costs in excess of billings (current assets) | Discount | 10% |
|--|----------|-----|
- b) Fixed Assets
- 1) Schedule K - Real Estate
- A) No consideration is given if title-held land and improvements are not verified by the certified public accountant for audited financial statements.

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- B) The allowance for real estate is the value of title-held land and improvements less long term encumbrances from commercial lending institutions times a factor of 50 percent.
- C) The value may be based on an accredited real estate appraisal which is not more than 24 months old at the time of receipt by the Department. The appraiser's background, experience and references must be submitted. The information on the appraiser is not required if a tax assessment value is provided. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.
- D) An applicant shall submit the Department's Certificate of Appraiser.
- E) If an appraisal is not submitted or accepted, the allowance will be based on book value.
- F) If the net appraised or book value is less than long term encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.
- G) No allowances are given for oil leases, leasehold improvements, mineral leases or land lease prepayments.
- 2) Equipment
- A) In the case of audited financial statements, the accountant shall verify the correctness of the equipment schedule. All equipment which is still serviceable, even though fully depreciated, shall be included and listed by classification such as graders, scrapers, front-end loaders, bulldozers, cranes, etc.
- B) The allowance for equipment is the value of owned construction equipment, including purchase deposits and capital leases, less long term encumbrances to commercial lending institutions times a factor of 70 percent. No value will be given for operating leases or rental equipment.
- C) The value may be based on an accredited equipment appraisal (physical inspection) that is not more than 24 months old at the time of receipt by the Department. The appraiser's background, experience and references shall be submitted. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.
- D) An applicant shall submit the Department's Certificate of Appraiser.
- E) If an appraisal is not submitted or accepted, the allowance will be based on book value.
- F) The accountant may restate any accelerated depreciated value to straight-line depreciation for determining book value.
- G) If the net appraised or book value is less than long term

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encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.

- c) Schedule L - Other Current or Fixed Assets
If an applicant lists other assets not described in this Part, they shall be described in sufficient detail to be considered. Allowances for this category include, but are not limited to, the following:

1) Nonconstruction equipment (classify to equipment)	Discount
2) Accrued interest and dividends with adequate detail	0%
3) Grain and livestock (classify to inventory)	10%
4) Interest and dividends from stockholders, officers, directors, employees, parent, subsidiaries and affiliates	25%
5) Organization expense/goodwill	100%
6) Investment credit	100%

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 650.190 Other Factors Considered in Determining Financial Ratings

- a) Notes and Accounts
- 1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes which are not subordinated will be considered as current liabilities. Subordinations which are not honored will not be considered on subsequent financial statements.
- 2) Long term notes (which are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
- 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year are considered deferred liabilities.
- 4) When notes payable are secured by all assets or current assets of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will

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be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).

5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.

6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement which shall disclose the date of the loan, the termination date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.

b) Income Taxes

The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on its receivables. When deferred taxes are represented as both assets and liabilities, the asset will be given no credit.

c) Dividends

Where dividends of the applicant, declared or proposed, have neither been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.

d) Treasury Stock

If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.

e) Affiliated Companies

1) A consolidated financial statement from the parent organization may be used to prequalify a single subsidiary company. A Certified Assumption and Guarantor Agreement must be submitted with the financial statement. The single subsidiary company is permitted to transfer its financial rating to companies included in the consolidated financial statement who desire to become prequalified.

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2) The Department may request a consolidated or consolidating financial statement from the parent organization of a subsidiary or affiliate requesting prequalification. The Department will deny credit for assets of a subsidiary or an affiliate which are unduly burdened or otherwise heavily encumbered, and which are not available because of the financial condition of the parent organization.

3) A combined financial statement may be used to prequalify a single company. The affiliates of the prequalifying company shall submit a pledge letter. Corporations shall provide a corporate resolution which authorizes the pledge of assets (see Section 650. Appendix E of this Part).

f) Letters of Credit

Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 650.200 Methods of Improving a Financial Rating

a) Personal assets of stockholders, officers, directors of employees may be pledged to improve the financial rating of the contractor seeking prequalification. See Section 650. Appendix C of this Part for information on assets acceptable to pledge and the letter required. Section 650. Appendix D of this Part illustrates the letter required from the certified public accountant for audited financial statements. The Department will not give credit for assets which are unduly burdened or heavily encumbered, and which are not available to the stockholder, officer, director or employee.

b) Assets of a nonprequalified affiliated company may be pledged to improve the financial rating of the contractor seeking prequalification if the following conditions are met:

- 1) The pledgor (affiliate) company and the pledgee company have at least 51 percent common controlling ownership.
- 2) Pledging of assets by the affiliate shall consist of the submittal of a financial statement. The financial statement of the affiliate must correspond with the date of the financial statement of the pledgee. The financial statement of the affiliate shall be the same type of financial statement (audited or unaudited) that was submitted by the company seeking prequalification.
- 3) The affiliate shall submit a pledge letter. Corporations shall provide a corporate resolution which authorizes the pledge of assets (see Section 650. Appendix E of this Part). If a combined financial statement is submitted, a corporate resolution pledging the nonprequalified firm's assets must be included.
- 4) The Department will not give credit for assets which are unduly

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burdened or heavily encumbered, and which are not available to the affiliate.

- c) Loans which are renegotiated and involve the time frame or the encumbrance of assets of the company may be reconsidered. Only loans which total in excess of \$100,000 will be considered. A copy of the new loan agreement is required.
- d) Subsequent events which take place more than one year from the date of the financial statement will not be permitted to improve the financial rating of a company. Only subsequent events which the Department considers material will be used to determine financial ratings.

(Source: Amended at 21 Ill. Reg. 11.010, effective 11.010)

Section 650.240 Performance Factor

- a) The Performance Factor is a numerical value which is determined by the contractor's performance evaluation in a work category during the previous year. At the close of each construction season, the Department or officials of a unit of local government administering a contract approved for award by the Department will evaluate each contractor who performed work for them during the previous year either as a prime contractor or as a subcontractor. This information is submitted on the Contractor's Annual Performance Report (BC-1777). The performance evaluations are based on:

- 1) The quality of work performed for each work category defined in Section 650. Appendix A of this Part.

- 2) The overall execution of work as measured by evaluating five ~~four~~ categories.

- A) Organization and prosecution of the work;
- B) Cooperation with public agency personnel responsible for contract administration and inspection;
- C) Traffic control and site protection as provided by contract requirements; ~~and~~
- D) Compliance with EEO and labor requirements; and;
- E) Erosion Control.

- b) The performance evaluation scale is a rating from 2.0 to 8.0 in accordance with the following definitions:

- 8.0 Excellent
- 7.0 Good
- 6.0 Satisfactory
- 4.0 Marginal
- 2.0 Poor

- c) The quality and evaluating categories under execution of work are defined and rated as follows.

- 1) Quality - The project's durability and appearance, the knowledge of supervisory personnel, and the compliance with contract requirements (i.e., plans, specifications, field inspection,

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etc.) are considered.

- 2) Quality Scale

8.0 The contractor exceeded project requirements in all areas considered.

7.0 The contractor exceeded project requirements in a majority of areas considered.

6.0 The contractor met project requirements in all areas considered.

4.0 The contractor did not meet project requirements in one area considered.

2.0 The contractor did not meet project requirements in two or more areas considered.

- 3) Organization/Prosecution - The contractor's ability to diligently prosecute work by planning and scheduling labor, materials and the work of subcontractor's on project site are considered.

- 4) Organization/Prosecution Scale

8.0 The contractor exceeded project requirements in all areas considered and completed the project well ahead of schedule.

7.0 The contractor exceeded project requirements in a majority of areas considered and the project was completed slightly ahead of schedule.

6.0 The contractor met project requirements in all areas considered and the scheduled completion date was met.

4.0 The contractor did not meet project requirements in one area considered and occasionally did not work when conditions permitted. The scheduled completion date was met.

2.0 The contractor did not meet project requirements in two or more areas considered and the scheduled completion date was not met.

- 5) Cooperation - The contractor's willingness to negotiate contract disputes, to respond to reasonable requests by the resident engineer and to respond to various Departmental correspondence are considered.

- 6) Cooperation

8.0 The contractor exceeded project requirements in all areas considered.

7.0 The contractor exceeded project requirements in a majority of areas considered.

6.0 The contractor met project requirements in all areas considered.

4.0 The contractor did not meet project requirements in one area considered.

2.0 The contractor did not meet project requirements in two or more areas considered.

- 7) Traffic Control/ Site Protection - The appearance of the traffic control devices, the response to repair deficient devices and the

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contractor's willingness to comply with the Traffic Control Plan (TCP) are considered.

8) Traffic Control/Site Protection

8.0 The contractor exceeded project requirements in all areas considered.

7.0 The contractor exceeded project requirements in a majority of areas considered.

6.0 The contractor met project requirements in all areas considered.

4.0 The contractor did not meet project requirements in one area considered.

2.0 Either the contractor did not meet project requirements in two or more areas considered or the contractor committed an act or omission which seriously compromised the safety of the public.

9) EEO/Labor Compliance - The contractor's compliance with the Equal Employment Opportunity program and compliance with labor laws are considered.

10) EEO/Labor Compliance

8.0 The contractor exceeded project requirements.

7.0 The contractor met project requirements through extraordinary effort and initiative.

6.0 The contractor met project requirements with minimum effort and initiative.

4.0 The contractor met project requirements, but had to be motivated by Department personnel.

2.0 The contractor did not meet project requirements.

11) Erosion Control - The contractor's compliance with the project's erosion control plan and all pertinent federal and State laws, permits and regulations.

12) Erosion Control

8.0 The contractor exceeded project requirements.

7.0 The contractor exceeded project in a majority of the areas considered.

6.0 The contractor met project requirements in all areas.

4.0 The contractor did not meet the project requirements in one area considered.

2.0 The contractor did not meet the contract requirements in two or more areas.

d) The Performance Factor is equal to the performance evaluation rating for quality of work times the weighted average for all execution of work values divided by 36 $\frac{1}{2}$. However, if a rating of 4.0 or less occurs in a category under execution of work as determined by the District, the District Engineer will indicate those work categories affected and will explain the problems encountered. In addition, an average value from all the categories under execution of work will be determined. If the average value for execution of work is less than the performance evaluation for quality of work, this average value

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will be used to determine the Performance Factor. Only those work categories indicated by the District Engineer will be affected.

e) A work rating will not be renewed or will be revoked if a performance evaluation rating of less than 6.0 $\frac{1}{2}$ in quality of work is received for two successive years.

f) A work rating will not be renewed or will be revoked if a District determines for two successive years a performance evaluation rating of 6.0 or less in the same category under execution of work. However, the Engineer of Construction will determine the work ratings to remain in effect if another District Engineer indicates satisfactory performance within that District. An explanation for allowing the work ratings to remain in effect will be provided by the Engineer of Construction.

g) The contractor shall be notified of the performance evaluation in writing within 14 days with a detailed explanation of any substandard items. If a performance evaluation results in a reduced work rating, the contractor may proceed with the review procedures in accordance with Section 650.150 of this Part.

h) If an applicant did not have a contract with the Department in the previous year, the last evaluation issued within a five year period will be used. If an applicant has not had an evaluation in the last five years or is applying for an initial rating in a category and lists no public agencies or private customers as references, a Performance Factor of "1" will be used until an actual evaluation is made.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 650.260 Equipment Factor (EqF)

a) Work categories which require the applicant to have specific equipment and plant facilities are indicated in Section 650. Appendix A of this Part. Determination of work ratings in these categories requires the calculation of an Equipment Factor which measures the physical productive capacity of the applicant's equipment and facilities. Equipment Factors are based on standards which produce an average dollar value of productivity as set forth in Section 650. Appendix A of this Part. The Department may adjust the standards as necessary to reflect increases in construction costs.

b) In calculating Equipment Factors, the Department will consider:

- 1) Equipment owned outright. All equipment which is serviceable will be considered even though fully depreciated.
- 2) Equipment pledged in its entirety for the exclusive use of the applicant. A stockholder, officer, director or employee of the company may pledge equipment. A parent, subsidiary or affiliate may also pledge equipment. The request to pledge shall be in writing by the pledgor and shall include the following:

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- A) The pledgor and the pledgee.
- B) The make, model, year, serial number and size or capacity of the equipment.
- C) A statement that the equipment is "pledged for the exclusive use" of the applicant.
- D) A statement that the pledge is for the "remainder of the applicant's prequalification period".
- E) The signature of the pledgor.
- F) Corporations shall provide a corporate resolution which authorizes the pledge of equipment (see Section 650. Appendix E of this part).
- 3) Either leased or rented equipment currently in the possession of the applicant or leased or rented equipment possessed by the applicant during the previous year, whichever is greater. Possession shall be confirmed by the submittal of a signed and notarized affidavit. No credit will be given for leased equipment not in possession to establish an equipment factor. Applicants shall submit a copy of the lease agreement which must contain the following:
- A) Time period. Either a minimum twelve month period or the prequalification period is required.
- B) Make, model, year, serial number and size or capacity of the equipment.
- C) Monetary consideration.
- D) Signature of the lessee and lessor.
- E) The statement of "exclusive use" and notarization of the signatures for equipment involving a bituminous or concrete plant.

- c) Credit for equipment (including plants) will not be given until the applicant provides proof that all required federal, State or local permits or licenses to operate the equipment have been obtained. ~~The applicant shall make equipment available for inspection--so--the Department can verify possession and determine its serviceability--No credit will be given for equipment--that--is--in--disrepair--or--is inoperable--Equipment owned but leased to another contractor will not be considered available for a work category.~~ Concrete plants used for retail sales will not be eligible to establish an equipment factor for the work category of Portland Cement Concrete Paving.
- d) No credit will be given for equipment that is in disrepair or is inoperable. Equipment owned but leased to another contractor will not be considered available for a work category.
- e) The applicant shall make equipment available for inspection so the Department can verify possession and determine its serviceability.
- f) Equipment such as front-end loaders, motor graders and cranes are versatile and can perform several types of work. If the contractor does not assign equipment to a specific category, the Department will assign the equipment on the basis of the contractor's work experience and requested ratings. The Department will not give credit for

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equipment which is not available for a work category. For example, an applicant may have front-end loaders which are used ~~he-uses~~ in a quarry; this equipment would not be considered available for the work category of Earthwork.

(Source: Amended at 21 Ill. Reg. 11.281, effective 11.281)

Section 650.280 Calculation of Work Ratings

- a) Applicants assigned work ratings in the categories of Earthwork, Portland Cement Concrete Paving, Bituminous Plant Mix, Bituminous Aggregate Mixtures, Aggregate Bases & Surfaces (type A or B) and Cover & Seal Coats are required to possess specific equipment or plant facilities which are assigned Equipment Factors. Work ratings in these categories are calculated by the primary formula.

WR = PF (EF/2 + Eqf/2) (Primary Formula)

- b) Equipment Factors based on plant production may be quite large, but new or inexperienced contractors may not be able to realize the full potential of their capacity. For this reason, the primary formula considers experience as well as equipment and plant capacity. In the simplest case, a new applicant with no experience and a presumed performance factor of 1.0 will receive a work rating equal to one half the calculated Equipment Factor. As the applicant gains experience, the work rating will increase. When the Experience Factor equals or exceeds the Equipment Factor, the work rating is calculated by the advanced formula below.

WR = PF X Eqf (Advanced Formula)

- c) All remaining work categories are calculated by the secondary formula.
- WR = PF X Cp X 1.2 (Secondary Formula)
- d) The secondary formula does not utilize an equipment factor because of the immeasurable productive capacity of the equipment or plant facility; however, equipment must be owned by or leased available to the applicant. See Section 650. Appendix A of this part for a listing of equipment or plant facilities. The secondary formula includes a factor of 1.2 to provide a margin for growth.
- e) An applicant's capacity to perform may exceed the calculated equipment factor. This can occur by good management, efficiency and additional hours of work. When this occurs, the primary and advanced formulas will be replaced by the secondary formula.
- f) The work rating in any given category may not exceed the financial rating of the applicant.
- g) If the primary, advanced or secondary formula results in a value in excess of \$25 million, the work category will be assigned an unlimited rating provided the applicant's financial rating is unlimited.
- h) A work rating may be designated as "Illinois Work Only." This work rating indicates the dollar value of work which the applicant's own forces can perform within the State of Illinois in one construction

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season. This rating will be established by the Department if the applicant does work in more than one state or outside the continental United States and it would be impractical to verify all outstanding work.

- i) Prior to any consideration for establishing a work rating value, the applicant shall provide a list of all technical, supervisory and key personnel who would manage a project awarded by the Department. This list should include the individual's job title and number of years of construction experience. The Department may also require the submittal of resumes of the above individuals. Applicants prequalifying with the Department for the first time shall be required to submit resumes. Insufficient personnel may be justification for a reduction in the rating of a work category as determined by the primary, advanced or secondary formula. Hiring of additional personnel may be justification for an increase in the rating of a work category. Applicants without experienced personnel for a requested work category may be denied the rating.

- j) Methods to Improve a Work Rating
 - 1) Hiring of additional personnel.
 - 2) Purchase, lease or rental of additional equipment.
 - 3) Completion of additional work.

- k) A contractor may request additional rating in a work category at any time during the prequalification period by submitting a revised application or supplemental information.

(Source: Amended at 21 Ill. Reg. 11235, effective _____)

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section 650.310 Affidavit of Availability

- a) An Affidavit of Availability (Form BC-57) is attached to the Service Bulletin and must be submitted with a request for Authorizations to Bid. It is a sworn statement concerning the contractor's present and pending contract commitments. The contractor shall not omit or misrepresent its work outstanding. When the contractor has completed or pending work as a party of a joint venture, the contractor's responsible portion of the work shall be shown. The affidavit shall be signed by an officer or director of a corporate contractor, and otherwise, an owner shall sign. The affidavit is not required when a contractor has unlimited work ratings and an unlimited financial rating or when Authorization to Bid is not being requested. The affidavit shall include:
 - 1) The amount of all uncompleted work, by type, either as a principal or subcontractor together with the name of the agency under whose jurisdiction the work is being performed. All uncompleted work shall be based upon the engineer's or owner's

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most recent estimate.

- 2) The commitment of equipment and personnel on a payroll or rental basis even though no formal contract exists.
 - 3) All work on which the contractor is the low bidder and which has not yet been awarded.
 - 4) A listing of all subcontractors and the value of work sublet.
 - a) Prospective bidders shall notify the Department within two working days of any low bids pending award or contracts awarded which might occur between the submission of the affidavit and the opening of bids.
 - c) Facsimiles of the affidavit will be accepted for analysis purposes.
- Authorization to Bid will not be issued without a correct, signed and notarized original affidavit in the Department's Central Bureau of Construction's possession by the cut-off date specified in the Service Bulletin.

(Source: Amended at 21 Ill. Reg. 11235, effective _____)

Section 650.320 Analyzing Requests for Authorization to Bid

- a) In analyzing a contractor's request for Authorization to Bid, it is necessary to determine the contractor's available bidding capacity.

- 1) The total value of all uncompleted work awarded to the contractor, as shown on the Affidavit of Availability, is deducted from the financial rating shown on the Certificate of Eligibility. The result is the Available Financial Rating.
- 2) The value of each type of work uncompleted and included in pending low bids the contractor will perform with its own forces as a prime or subcontractor, as shown on the Affidavit of Availability, is deducted from the corresponding category of work rating shown on the Certificate of Eligibility. The result is the Available Work Rating in each category. If a contractor has a work rating designated for "Illinois Work Only," then only Illinois work is deducted from the corresponding category of work rating.
- 3) When the proposed work requires more than one construction season (18 months or 188 working days) to complete, the work ratings shown on the Certificate of Eligibility are multiplied by the number of construction seasons required for completion. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section. Similar consideration is given to work reported on the Affidavit of Availability. Each work category of a project is divided by the number of construction seasons to complete the project. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section.
- 4) Contractors who have ratings in major work categories are given credit for work in applicable minor work categories. For example, a contractor with a rating in Portland Cement Concrete

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Paving or Structures is given credit for work in the minor work category of Miscellaneous Concrete Construction. The work category definitions in Section 650.330 Appendix A of this Part will indicate if a minor work category is applicable. Credit given for a minor work category is deducted from the contractor's available rating in the corresponding major work category.

- 5) Bituminous Plant Mix is rated at \$32/ton as compared to \$26/ton for Bituminous Aggregate Mixtures. See Section 650.330 Appendix A of this Part. However, the plant's hourly capacity remains the same. Therefore, the dollar value of outstanding Bituminous Aggregate Mixtures shown on the Affidavit of Availability will be increased by twenty percent in determining available work rating for Bituminous Plant Mix if a contractor's plant produces both Class I and BAW.

- b) In order to be issued an Authorization to Bid, a contractor's Available Work Ratings for all applicable categories must equal or exceed 50 percent of the estimated value of the contract, less designated specialty items. For Division of Aeronautics work, the Available Work Ratings must equal or exceed 51 percent of the estimated value. A contractor's Available Financial Rating must equal or exceed 95 percent of the total estimated value of each contract. However, the low bidder will not be awarded the contract unless the Available Financial Rating equals or exceeds the actual price bid.

- c) The Department will occasionally advertise for bids a contract which consists of an item or items which are of the type commonly constructed by the Capital Development Board (such as general building construction, roofing, plumbing, heating, ventilation and air conditioning) rather than by the Department of Transportation. In such instances, the advertisement will indicate waiver of prequalification under the rules of the Department according to Section 650.70 and will specify prequalification by the Capital Development Board pursuant to 44 Ill. Adm. Code 950. Any contractor requesting Authorization to Bid on such a project should include a current "Capitol Development Board Certificate of Contractor Prequalification."

(Source: Amended at 21 Ill. Reg. 1.1.1.1, effective _____)

Section 650.330 Issuance of Authorization to Bid

- a) There is no limit to the number of Authorizations to Bid issued a contractor as long as the available bidding capacity satisfies the requirements of each individual contract. If the contractor is the low bidder on two or more contracts and the sum of the bids exceeds the available bidding capacity, the Department will select the contract or contracts for award.

- b) Authorization to Bid will not be issued on documentation requests received after 4:30 p.m. prevailing time on the cut-off date indicated

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in the Service Bulletin. In addition, any request to be removed from the bidder's list or to dissolve a joint venture must be received prior to the time indicated in the previous statement.

- c) Under certain circumstances, the Department shall issue Authorization to Bid to a firm without restriction. The firm must possess an unlimited financial rating and two unlimited work ratings (see Section 650.280 of this Part), or possess a financial rating of \$150 million or a net worth of \$40 million. There must also be no evidence of any past performance problems on any previous contracts.

(Source: Amended at 21 Ill. Reg. 1.1.1.1, effective _____)

Section 650.340 Joint Ventures

- a) Prequalified contractors may combine their available bidding capacity and request an Authorization to Bid for a single contract to bid as a joint venture after Department approval.

- b) Each request for approval of a joint venture shall be indicated by the filing of a Certificate of Joint Venture ~~Joint-Venture-Minimum Declaration-of-Work~~ for each of the contracts for which joint venture approval is sought. The form is available from the Prequalification Section. It identifies the managing partner and ~~indicates--the--kind and--the--percentage--of--work--to--be--performed--by--each--joint--venture partner--with--its--own--workforce--and--resources--other--than--work--reserved--to--meet--any--disadvantaged-business-goal--advertised--in--the--contract--the--form~~ indicates the joint venture agreement shall be available to the Department for inspection. In addition, each joint venture partner firm shall submit an Affidavit of Availability. The Certificate ~~Joint-Venture-Minimum-Declaration--of--Work--and--Affidavits--of-Availability~~ must be received no later than 4:30 p.m. prevailing time at least seven days prior to the scheduled date of the letting for which bidding proposals are sought.

- c) The proposed joint venture shall not be approved for the issuance of bidding proposals if the establishment of a joint venture would unduly restrict competition. A determination that a proposed joint venture would unduly restrict competition is limited to any of the following reasons:

- 1) That the proposed joint venture would consist of more than three prequalified contractors unless the project is designated by the Department in the advertisement for bids as open for unrestricted joint venturing due to the magnitude, complexity and risks of the work.

- 2) That the ~~Joint-Venture-Minimum-Declaration-of-Work~~ indicates that any one of the proposed joint venture partners will perform less than 10 percent of the non-disadvantaged-business-work-with-its own-workforce-and-resources.

- 2) That for letting items estimated by the Department to be bid at

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less than \$1,000,000, more than one of the proposed joint venture partners has the individual prequalification ratings and bid capacity to bid the item without the approval of the venture. This determination shall not apply to joint ventures between affiliated contractors based upon firms having 51 percent or more common controlling ownership or common management where the officers, directors or general partners control the board of directors and/or management of each contractor, or on items where the estimated quantity of asphalt exceeds 10,000 tons or concrete exceeds 5,000 cubic yards.

- d) Contractors whose financial ratings are based upon unaudited financial statements will not be permitted to joint venture with each other to bid contracts which are estimated to exceed \$500,000 \$350,000. However, such contractors may be permitted to joint venture with contractors who have a financial rating based upon an audited statement to bid contracts estimated to exceed \$500,000 \$350,000.
- e) If a joint venture work rating is limited by its maximum financial rating, the full value of the computed work rating will be used in analyzing the joint venture request for a bidding proposal. However, the combined maximum work rating in any category shall not exceed the combined maximum financial rating of the joint venture.
- f) If an approved joint venture is awarded a contract, the kind and percentage of work indicated on the Joint Venture Minimum Declaration of work may be amended as many times as necessary by the contractor provided that each partner of the approved joint venture performs at least 15 percent of the work with its own work force and resources.

(Source: Amended at 21 Ill. Reg. 11238, effective

Section 650.350 Denial of Authorization to Bid

The Department will not issue Authorization to Bid for any of the following reasons:

- The potential bidder is not prequalified under the provisions of this Part.
- The potential bidder will not be prequalified on the day of the scheduled letting which is the subject of the Request for Authorization to Bid.
- The potential bidder has uncompleted work on previously awarded contracts which, in the judgment of the Department, might hinder or prevent the prompt completion of additional work if awarded.
- The potential bidder has provided false information provided on a bidder's Affidavit of Availability or has not promptly notified the Department of subsequent awarded contracts or pending awards.
- The potential bidder has failed to submit final documentation on any open contract or to pay, or satisfactorily settle, all bills due for labor and material on previously awarded contracts in force at the

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- time of issuance of proposal forms.
- The potential bidder has failed to comply with this Part or the bidding procedures of the Department.
 - The potential bidder has defaulted or otherwise breached its obligations on under previous Department awarded contracts or contracts approved for award by the Department; has failed to execute an awarded contract; or has caused the readvertisement of a project through mistakes or neglect in the bidding procedures.
 - When any agent, servant, employee, associated organization, affiliate or related entity of the prospective bidder has participated in the preparation of plans, specifications or special provisions for the proposed work.
 - The potential bidder is subject to revocation of prequalification ratings in accordance with Section 650.110 of this Part.

(Source: Amended at 21 Ill. Reg. 11238, effective

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Section 650.APPENDIX A AVAILABLE WORK CATEGORIES

- 1 Earthwork
- 2 Portland Cement Concrete Paving
- 3 Bituminous Plant Mix
- 4 Bituminous Aggregate Mixtures
- 5 Miscellaneous Bituminous Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- 8 Aggregate Bases & Surfaces (A,B)
- 9 Structures (H,RR,W)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- 15 Cover and Seal Coats (A,B)
- 16 Slurry Applications
- 17 Miscellaneous Concrete Construction
- 18 Landscaping
- 19 Seeding and Sodding
- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 Paint Pavement Marking
- 28 Thermoplastic Pavement Marking
- 29 Epoxy Pavement Marking
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction
- 39 Marine Construction
- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

EARTHWORK

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Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding (see definition at Section 650.20) for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment

Equipment factor (EqF)

Self-propelled scrapers

Pull type scrapers

Gradalls

Graders

Cranes, shovels, excavators
and backhoe loaders

\$21,000 per cubic meter of heaped capacity
 \$16,000 per cubic yard of heaped capacity
 \$12,000 per cubic meter of heaped capacity
 \$9,000 per cubic yard of heaped capacity
 \$115,000 each
 \$100,000 each

\$360,000 for .5 cubic meter bucket size
 \$405,000 for .75 cubic meter bucket size
 \$480,000 for 1 cubic meter bucket size
 \$580,000 for 1.25 cubic meter bucket size
 \$730,000 for 1.5 cubic meter bucket size
 \$800,000 for 1.75 cubic meter bucket size
 \$880,000 for 2 cubic meter bucket size
 \$1,060,000 for 2.5 cubic meter bucket size
 \$1,400,000 for 3 cubic meter bucket size
 \$1,730,000 for 3.5 cubic meter bucket size
 \$375,000 for .75 $\frac{3}{4}$ cubic yard bucket size

Size

\$405,000 for 1 cubic yard bucket size
 \$460,000 for 1.25 $\pm \frac{1}{4}$ cubic yard bucket size
 \$550,000 for 1.5 $\pm \frac{1}{2}$ cubic yard bucket size
 \$635,000 for 1.75 $\pm \frac{3}{4}$ cubic yard bucket size
 \$750,000 for 2 cubic yard bucket size

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Front-end loaders	\$835,000 for 2.5 2-1/2 cubic yard bucket size
	\$1,010,000 for 3 cubic yard bucket size
	\$1,210,000 for 3.5 3-1/2 cubic yard bucket size
	\$1,440,000 for 4 cubic yard bucket size
	\$1,610,000 for 4.5 4-1/2 cubic yard bucket size
	\$115,000 for less than 1.5 cubic meter bucket size
	\$210,000 for 1.5 to 2 cubic meter bucket size
	\$340,000 for 2.1 to 3 cubic meter bucket size
	\$475,000 for 3.1 to 4 cubic meter bucket size
	\$605,000 for greater than 4 cubic meter bucket size
	\$115,000 for less than or equal to 2 cubic yard bucket size
	\$230,000 for 2.1 to -- 3 cubic yard bucket size
	\$375,000 for 3.1 to -- 4 cubic yard bucket size
	\$460,000 for 4.1 to -- 5 cubic yard bucket size
	\$605,000 for greater than 5 cubic yard bucket size
Skid-steer loaders	\$50,000 each
Bulldozers	\$200,000 each
Fine grading equipment	\$200,000 each
Self-propelled rollers	\$50,000 each
Pull-type rollers	\$15,000 each
Disc	\$15,000 each
Water truck	\$1.35 per liter
	\$5 per gallon
Off-road and bottom-dump trucks	\$20,000 per cubic meter of heaped capacity
	\$15,000 per cubic yard of heaped capacity

PORTLAND CEMENT CONCRETE (PCC) PAVING

Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to Miscellaneous Concrete

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Construction (see definition at Section 650.20).

EQUIPMENT: A central mix plant, a batch plant with transit mixer trucks, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula. Concrete plants used for retail sales are not eligible.

EquipmentEquipment factor (EqF)

Central Mix Plant
and Batch Plant*

(C.M./Batch) X (20 Batches/Hr.)
X (8 Hrs./Day) X (80 Days/Yr.)
X (\$105/C.M.) X (1.0) for an
approved plant

(C.Y./Batch) X (20 Batches/Hr.) X
(8 Hrs./Day) X (80 Days/Yr.) X
(\$80/C.Y.) X (1.0)

Central Mix Dual Plant
and Dual Batch Plant*

(C.M./Batch) X (20 Batches/Hr.)
X (8 Hrs./Day) X (80 Days/Yr.) X
(\$105/C.M.) X (1.7) for an
approved plant

(C.Y./Batch) X (20 Batches/Hr.) X
(8 Hrs./Day) X (80 Days/Yr.) X
(\$80/C.Y.) X (1.7)

*To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one transit mixer truck for every cubic yard of capacity of the plant.

BITUMINOUS PLANT MIX

The placement of bituminous concrete binder and surface course (Class I), bituminous concrete base course widening, bituminous base course, bituminous aggregate mixture stabilized sub-base, bituminous shoulder, bituminous curb, bituminous gutter, bituminous curb and gutter, bituminous sidewalk, bituminous driveway, bituminous median, bituminous patching, open graded asphalt friction course and incidental bituminous surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving (see definition at Section 650.20).

EQUIPMENT REQUIRED: A bituminous plant approved by the Bureau of Materials and Physical Research for Class I production, an approved bituminous spreading and finishing machine and compaction equipment.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production
Rating

Equipment Factor (EqF)

Metric Tons Per
Hour (MTPH)

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$35/Ton)
X (1.00) approved plant or tentative approval type A

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X
(\$35/Ton) X (0.50) tentative approval
type B

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X
(\$35/Ton) X (0.25) tentative approval type C

Tons Per Hour (TPH)

(Established by
Bureau of
Materials and
Physical Research)

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$32/Ton) X (1.00)
for approved plant or tentative approval type A

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$32/Ton) X (.50)
for tentative approval type B

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$32/Ton) X (.25)
for tentative approval type C

Note: Tentative approval is an evaluation of a plant by the Bureau of Materials and Physical Research prior to final approval.

BITUMINOUS AGGREGATE MIXTURES

Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving (see definition at Section 650.20).

EQUIPMENT REQUIRED: A bituminous plant approved by the Bureau of Materials and Physical Research, an approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production
Rating

Equipment Factor (EqF)

Metric Tons Per
Hour (MTPH)

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$29/Ton)
X (1.00) approved plant or tentative approval type A

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$29/Ton)
X (0.50) tentative approval type B

MTPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$29/Ton)
X (0.25) tentative approval type C

Tons Per Hour (TPH)

(Established by
Bureau of
Materials and
Physical Research)

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$26/Ton) X (1.00)
for approved plant or tentative approval type A

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$26/Ton) X (.50)
for tentative approval type B

TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$26/Ton) X (.25)
for tentative approval type C

Note: Tentative approval is an evaluation of a plant by the Bureau of Materials and Physical Research prior to final approval.

MISCELLANEOUS BITUMINOUS PAVING

Consists of placing bituminous base, surface, widening or shoulders with a bituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I or BAM) or as specified by the local agency. Bituminous curb and gutter, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under Bituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.SOIL STABILIZATION AND MODIFICATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Grader and compaction equipment (Type A)	\$375,000 each
Mechanical spreader and compaction equipment (Type A)	\$375,000 each
Grader (Type B)	\$375,000 each
Mechanical Spreader (Type B)	\$375,000 each
Widener	\$200,000 each

STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), Erection (see definition of this and following work categories at Section 650.20), installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, Miscellaneous Concrete

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Construction, Fencing and Signing.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

STRUCTURES (RAILROAD)

Consists of items listed above. This category is specific to structures carrying railroad transportation.

STRUCTURES (WATERWAY)

Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition (see definition at Section 650.20).

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to Miscellaneous Concrete

DEPARTMENT OF TRANSPORTATION

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Construction, Fencing and Signing (see definitions at Section 650.20). This work can be completed under the Structures (Highway) category.

EQUIPMENT REQUIRED: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

ANCHORS AND TIEBACKS

Construction of all types of anchors and tiebacks which provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

EQUIPMENT REQUIRED: Auger, ~~or~~ drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation and adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, ~~and~~ construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.

DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.

ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

COVER AND SEAL COATS (TYPE B)

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Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A) or aggregate spreader (Type B).

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment	Equipment Factor (EqF)
Distributor (Type A)	\$400,000 each
Tanker Truck*(Type A)	\$ 50,000 each
Spreader (Type B)	\$400,000 each
*A maximum of two (2) tanker trucks per distributor will be allowed.	

SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

MISCELLANEOUS CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs), construction of foundations (light pole, light tower, etc.) and various undersealing projects which allow the voids to be filled by gravity flow. Removal of concrete which consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

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NOTICE OF ADOPTED AMENDMENTS

LANDSCAPING

Consists of planting trees, shrubs, vines, seedlings and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding (see definition at Section 650.20).

EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, cuttipackers, spinning-disk seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement. Auger-equipment-or-hoe-with-disc-and-seeder is-the-minimum-equipment-requirement.

CALCULATION OF WORK RATING: Secondary formula.

SEEDING AND SODDING

Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category fiberglass roving.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, cuttipackers, spinning-disk seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation and seeding equipment, a mulch blower and a tractor is the minimum equipment requirement. A-disc-and-seeder-is-the-minimum-equipment-requirement.

CALCULATION OF WORK RATING: Secondary formula.

VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture. a-commercial-applicator-license-with-the-illinois Department-of-Agriculture.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps. Consists-of pruning-trees,-and-selective-removal-of-trees-and-tree-stumps-

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

CALCULATION OF WORK RATING: Secondary formula.

GROUTING

Consists of grout construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various

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under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

PAINTING

Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.

SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers. Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

PAINT PAVEMENT MARKING

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.

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THERMOPLASTIC PAVEMENT MARKING

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

EPOXY PAVEMENT MARKING

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.

PAVEMENT TEXTURING AND SURFACE REMOVAL

Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

COLD MILLING, PLANING AND ROTOMILLING

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

DEMOLITION

Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

FABRICATION

Consists of fabricating, delivering and storing structural steel.

EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula. The contractor must be listed on the AISC Register of Certified Structural Steel Fabricators and have a Certification Category of I, II or III to fabricate main load carrying components.

TUNNEL EXCAVATION

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of crossites and installation of steel rails.

EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

MARINE CONSTRUCTION

Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (riprap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

HYDRAULIC DREDGING

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation which scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

COLD (IN-PLACE) RECYCLING

A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section numbers: Emergency Action:
 303.90 Amend
 303.102 Amend
 303.125 Amend
 303.130 Amend
 303.250 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].
- 5) Effective date of Amendments: July 22, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: July 22, 1997
- 8) Reason for Emergency: The Department recently concluded negotiations with AFSCME for the collective bargaining agreement which became effective July 1, 1997. In order to provide consistent and equitable personnel administration for agencies subject to the Personnel Code, it is necessary to amend various Sections of the Personnel Rules and to make those amendments effective immediately.
- 9) Complete Description of the Subjects and Issues Involved: These Sections are being amended to parallel the most recent changes negotiated in the AFSCME master contract.
- 10) Are there any Proposed Amendments pending to this Part: No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:
 Stephen W. Seiple
 720 Stratton Office Building
 Springfield, IL 62706
 (217)782-9669

The full text of the Emergency Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section
 303.10 Definition of a Grievance
 303.20 Procedure
 303.30 Grievance Committee
 303.45 Representation

SUBPART B: LEAVE OF ABSENCE

Section
 303.90 Sick Leave
EMERGENCY
 303.100 Accumulation of Sick Leave
 303.102 Payment in Lieu of Sick Leave
EMERGENCY
 303.105 Reinstatement of Sick Leave
 303.110 Advancement of Sick Leave
 303.112 Sick Leave Bank
 303.115 Veterans Hospital Leave
 303.125 Leave for Personal Business
EMERGENCY
 303.130 Maternity/Paternity and Adoption Leave
EMERGENCY
 303.135 On-The-Job Injury -- Industrial Disease
 303.140 Leaves of Absence Without Pay
 303.142 Leave to Attend Union Conventions
 303.145 Disability Leave
 303.148 Family Responsibility Leave
 303.150 Employee Rights After Leave
 303.153 Failure to Return
 303.155 Leave to Take Exempt Position
 303.160 Military and Peace Corps Leave
 303.170 Military Reserve Training and Emergency Call-Up
 303.171 Leave for Military Physical Examinations
 303.175 Disaster Service Leave With Pay
 303.180 Attendance in Court
 303.190 Authorized Holidays
 303.200 Holiday Observance
 303.215 Payment for Holidays

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

303.220 Holiday During Vacation
 303.225 Eligibility for Holiday Pay
 303.250 Vacation Eligibility
EMERGENCY
 303.260 Prorated Vacation for Part-Time Employees
 303.270 Vacation Schedule and Loss of Earned Vacation
 303.290 Payment in Lieu of Vacation
 303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section

Work Schedules

303.300 Emergency Shut-Down

303.310 Overtime

303.320 Overtime Payable Upon Death

303.330 Attendance Records

303.340 Notification of Absence

303.350 Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section

303.360 Undated Forms

303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section

303.380 Reason for Separation

303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

Section

303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days.

SUBPART B: LEAVE OF ABSENCE

Section 303.90 Sick Leave

EMERGENCY

All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays or less. For periods of absence of for more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.

(Source: Emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days)

Section 303.102 Payment in Lieu of Sick Leave

EMERGENCY

a) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave which has accrued on or after January 1, 1984 and prior to December 31, 1997, provided the employee is not employed in another position in state service within 4 calendar days of such termination.

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- b) For purposes of this Section, sick leave is deemed to be used by an employee within the following priority order: ~~in the same order-it is granted-that is, the earliest-accrued-sick-leave-is-liquidated-first-~~
- 1) Sick leave earned through December 31, 1983.
 - 2) Sick leave earned on or after January 1, 1984 and prior to December 31, 1997.
 - 3) Sick leave earned on or after January 1, 1984 and prior to December 31, 1997.

The first earned sick leave shall be the first utilized within each category.

- c) In order to determine the amount of sick leave to be paid upon termination of employment, the operating agency will:

- 1) compute the number of sick leave days granted to the employee between on-and-after January 1, 1984 and December 31, 1997;
- 2) compute the employee's sick leave balance for that time period at time of termination; and
- 3) cause lump sum payment to be made for one half of the amount of sick leave in subsection (c)(1) or (2) above, whichever is the lesser amount, multiplied by the daily salary rate.

- d) The method of computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon termination of employment shall be in accordance with 80 Ill. Adm. Code 310.520(a) Section-310-520a.

- e) If an employee has a negative sick leave balance pursuant to Section 303.110 when employment is terminated, no payment shall be made to the employee and the unrecouped balance due is cancelled.

- f) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have such days restored provided the employee repays upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.

- g) The payment provided by this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

- h) The accrued leave amount shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days)

Section 303.125 Leave for Personal Business

EMERGENCY

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded

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one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of 1/2 day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than 2 hours at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days)

Section 303.130 Maternity/Paternity and Adoption Leave

EMERGENCY

A covered member of the State employees' group insurance program who precertifies the member's or the member's covered dependent's pregnancy within the first two trimesters will be eligible for two weeks or 10 consecutive work days paid maternity/paternity leave after the birth of the child or children. If both the father and the mother are employed by the State, only one parent may be eligible for this leave. An employee with a newly adopted child will be eligible for this two weeks or 10 consecutive work days leave. This leave may also be granted to a State employee whose spouse is not covered by the State's group insurance program when reasonable notification is presented along with verification of marriage and birth or adoption.

(Source: Emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days)

Section 303.250 Vacation Eligibility

EMERGENCY

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- a) Employees, except emergency, temporary and those paid pursuant to 80 Ill. Adm. Code 310.230, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class. Eligible employee shall earn vacation time in accordance with the following schedule:
- 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
 - 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
 - 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
 - 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
 - 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
 - 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- c) Vacation time may be taken in increments of not less than one (1) hour ~~1/2--day~~ at a time, at any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.
- d) Vacation time ~~earned~~ shall be earned ~~computed~~ in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ~~1/2 hour 1/2--of--a workday~~ or less, the employee shall be deemed to have earned vacation time of ~~1/2 hour 1/2--of--a workday~~ in lieu of the fractional balance; if there remains a fractional balance of more than ~~1/2 hour 1/2--of--a workday~~, the employee shall be deemed to have earned a full hour ~~workday~~ of vacation time in lieu of a fractional balance.
- e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service. ~~This subsection (e) the--Rule provided in this paragraph applies to vacation time earned on or after October 1, 1972.~~

(Source: Emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days)

OFFICE OF BANKS AND REAL ESTATE

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- a) Part(s) (Heading and Code Citation): Foreign Banking Office Act, 38 Ill. Adm. Code 10

1) Rulemaking:

- A) Description: This rule will outline procedures that the Commissioner will follow in determining asset maintenance and pledged asset requirements established for foreign banking located in Illinois, including the circumstances under which foreign banking offices will be required to maintain certain asset requirements or pledge securities pursuant to the Act.
- B) Statutory Authority: Implementing and authorized by the Foreign Banking Office Act [205 ILCS 645].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Second half of 1997.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

John Arthur, Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
217/782-3000
- G) Related rulemakings and other pertinent information: None.

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a) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). After an extensive review of these rules, the Board, on October 3, 1996, adopted a proposal for public comment and hearing, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules. (Notice of this rulemaking was listed in prior regulatory agendas under docket R95-1, which the Board closed and replaced with docket R97-8.)

B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/26 & 28].

C) Scheduled meeting/hearing dates: The Board originally established a period through December 15, 1996 to allow interested persons to comment on the prospective changes to the Board's procedural rules. On December 10, 1996, the Board extended the public comment period to January 10, 1997. The Board has not scheduled any public hearings on the prospective amendments to date.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Summer or Fall of 1997.

E) Affect on small business, small municipalities or not for profit corporations: There may be an effect on any small business, small municipality, or not for profit corporation which appears before the Board in any type of proceeding. These proceedings include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local government decisions concerning siting of pollution control facilities; and any other actions provided for in the Environmental Protection Act.

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Cynthia I. Ervin
Pollution Control Board
600 South Second Street
Suite 402
Springfield, IL 62704
217-524-8509
Internet: cervin@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Another rulemaking, R97-16 (see item (b) below), may affect Part 101, and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 101 through 106 and 120.

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)
Proportionate Share Liability (35 Ill. Adm. Code 110)

1) Rulemaking: Docket Number R97-16

A) Description: Public Act 89-443, effective July 1, 1996, added Section 58.9 to Title XVII of the Environmental Protection Act [415 ILCS 5/58.9]. This Section repealed the concept of joint and several liability in environmental actions and replaced it with the concept of proportionate share liability. Specifically, Section 58.9 established that liability for costs of remedial action due to release of "regulated substances" (i.e., pollutants) was limited to a person's "proportionate share" of liability where two or more persons caused or contributed to a release. Section 58.9(d) required the Board to adopt "rules and procedures" for

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determining the proportionate share on or before December 31, 1997. On December 5, 1996, the Board opened a docket to solicit public comments on this matter until March 31, 1996, to assist the Board in the promulgation of rules to implement section 58.9. Since that time, the legislature has passed legislation to extend the Board's deadline for adopting rules to January 1, 1999. To date, the Governor has not sign this legislation. Because of the new legislation, the date for receiving proposals and/or comments was extended to July 31, 1997, by hearing officer order.

B) Statutory Authority: Sections 27, 28, and 58.9 of the Illinois Environmental Protection Act [415 ILCS 5/27, 28 & 58.9].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is completed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the Fall or Winter of 1997.

E) Affect on small business, small municipalities or not for profit corporations: These rules may affect any small business, small municipality or not-for-profit corporation that has caused or contributed to a release requiring remedial action.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Cynthia I. Ervin
Pollution Control Board
600 South Second Street
Suite 402
Springfield, IL 62704
217-524-8509
Internet: cervin@pcb084rl.state.il.us

POLLUTION CONTROL BOARD

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G) Related Rulemakings and other pertinent information: Another rulemaking, R97-8 (see item (a) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 101.

c) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Emissions from Municipal Solid Waste Landfills (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois must address the recently adopted federal guidelines for existing Municipal Solid Waste Landfills (MSWLFs). Under Section 111 of the federal Clean Air Act, states must submit a plan to the Administrator of the U.S. Environmental Protection Agency (USEPA) to implement and enforce these guidelines. The Illinois Environmental Protection Agency (Agency) is developing rules for filing with the Board to meet these federal requirements. The regulations would provide for the control of nonmethane organic compounds (NMOC), of which volatile organic material (VOM) is a component, by requiring the collection and control of landfill gas by MSWLFs that accepted waste after 1987 or that have additional capacity. The MSWLFs that have been modified or constructed after May 30, 1991, are subject to federal requirements and should not be affected by this proposal.

B) Statutory Authority: Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. An Agency submittal of a proposal to the Board will commence this proceeding in late Spring 1998.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates an existing municipal solid waste landfill.

F) Agency contact person for information: Address written comments

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

- G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (d) and (e) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 220.

The Agency will schedule meetings with affected sources before a proposal is filed with the Board. If you have any questions concerning the federal guidelines, please contact:

Rachel L. Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-524-3333

- d) (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Stack Test Averaging (35 Ill. Adm. Code 221)

- 1) Rulemaking: No docket presently reserved.

- A) Description: Illinois does not have an officially established testing requirement for any emissions source which is subject to state testing requirements and which is not subject to the New Source Performance Standards set forth in Section 111 of the Clean Air Act, 42 U.S.C. Section 7401, et seq. The Illinois

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Environmental Protection Agency (Agency) is developing regulations for filing with the Board which would use the arithmetic mean of three emission test runs, for those sources where the use of such averaging is appropriate, to determine that source's compliance with applicable standards and/or numerical limitations.

- B) Statutory Authority: Section 27 of the Environmental Protection Act (415 ILCS 5/27).

- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. An Agency submittal of a proposal to the Board will commence these proceedings in late Spring 1998.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that either owns or operates any emission source which is not subject to the New Source Performance Standards set forth in Section 111 of the Clean Air Act, 42 U.S.C. Section 7401 et seq., but which is enforceable by the Agency under the laws and regulations of this state.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

- G) Other pertinent information concerning these amendments: Other

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prospective rulemakings (see items (c) above and (e) below), and other as yet unknown and unrelated Board proceedings, could potentially impact the provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 221. The Agency will schedule meetings with affected sources before a proposal is filed with the Board. If you have any questions concerning this *Illinois Register* notice, please contact:

Evan J. McGinley
Illinois Environmental Protection Agency
1340 N. Ninth Street
P.O. Box 62794-9276
Springfield, IL 62794-9276
217-524-3974
Internet: epa2413@epa.state.il.us

e) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Emissions from Medical Waste Incinerators (35 Ill. Adm. Code 230)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois will be required by federal law to address emissions from medical waste incinerators. U.S. Environmental Protection Agency (USEPA) is anticipated to promulgate federal guidelines for existing medical waste incinerators by Summer 1997 to implement Sections 111(d) and 129 of the federal Clean Air Act (CAA). Under the CAA Section 129, States must submit a plan to the Administrator of USEPA to implement and enforce these guidelines within one year after the guidelines are promulgated. The Illinois Environmental Protection Agency (Agency) will assemble a rulemaking proposal for filing with the Board based on its review of the prospective federal requirements.

B) Statutory Authority: Sections 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/27 & 28.2].

C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. An Agency submittal of a

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proposal to the Board will commence this proceeding and is expected to be filed in early 1998.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small businesses, small municipalities or not-for-profit corporations that own or operate existing medical waste incinerators.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (c) and (d) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 230. For information regarding the Agency's development of this proposal, please contact:

Karen Bernotteit
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
217-524-3333

f) Part (Heading and Code Citation): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency

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(Agency) is planning to file a proposal with the Board to amend the regulations pertaining to construction and modification of major stationary sources, codified as 35 Ill. Adm. Code 203. The amendments are needed to assure consistency with the federal new source review requirements.

B) Statutory Authority: Sections 9.1, 27, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 27 & 28.5].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register* after this proceeding commences. An Agency submittal of the proposal to the Board will commence this proceeding and is expected in late Summer of 1997.

E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect any small businesses, small municipalities, or not-for-profit corporations that own or operate major new sources of emissions or existing sources that undergo major modifications, although such sources are primarily large industrial facilities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: No other

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known proceeding would impact the general provisions of Part 203. The Agency requests that interested persons direct any questions concerning the proposal to the following person:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

g) Part (Heading and Code Citation): Emissions Reduction Market System (35 Ill. Adm. Code 205)

1) Rulemaking: Docket R97-13.

A) Description: On October 7, 1996, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal with the Board pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. This rulemaking proposal would add Part 205 to establish regulations to implement a market-based emissions reduction system in the Chicago ozone nonattainment area. This rulemaking is required by Section 182(c) of the federal Clean Air Act (CAA). The proposed rule would create a trading program for air emissions as part of the "rate of progress" (ROP) implementation plan for the State of Illinois. ROP requires the reduction of VOM emission reductions from baseline emissions of at least three percent (3%) per year over each three year period until attainment date with the first period beginning at the end of 1996.

B) Statutory Authority: Sections 9.8, 27, and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 & 28].

C) Scheduled meeting/hearing dates: Hearings were held in January, February, March, and April, 1997, and none further are currently set. The Board will conduct any additional hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register* after the Board votes to propose any amendments based on an Agency proposal. The Board presently anticipates submitting the rules for First Notice publication in the *Illinois Register* in July 1997. The Illinois Environmental Protection Agency has requested that the Board move

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expeditiously in this matter. To that end, the Board plans on adopting the proposed rules as final rules by October 1, 1997.

E) Affect on small business, small municipalities or not-for-profit corporations: This proposed rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a major source of emissions, which are primarily large industrial facilities. The rule would be a part of the overall ROP plan, which has been already adopted, and participation in emissions trading under the rule would not be mandatory, however, certain reductions would be required.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows, noting docket number R97-13, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows, noting docket number R97-13, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: cfeinen@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 205.

The Agency requests that interested persons direct any questions concerning the proposed rule as follows:

Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

h) Part (Heading and Code Citation): Definitions and General Provisions (35

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Ill. Adm. Code 211)

1) Rulemaking: Presently reserved docket number R98-1

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the U.S. Environmental Protection Agency (USEPA) additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R98-1 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1 through June 30, 1997. Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the Illinois SDWA regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure.

B) Statutory Authority: Sections 9.1(e) and 27 of the Environmental Protection Act [415 ILCS 5/9.1(e) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28], as required by Section 118 of the federal Clean Air Act (CAA) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to

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verify any federal actions by August, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be January 1, 1997, the deadline for final adoption of any amendments would be January 1, 1998. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows, noting docket number R98-1, as follows:

Amy M. Muran-Felton, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-7011
Internet: amuranfe@ppcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: Docket R97-31 (see item (j) below and another prospective rulemaking (see item (i) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 9.1(e) mandates that the Board complete our amendments

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within one year of the date on which USEPA adopted its action upon which our amendments are based. If that date is assumed to be January 1, 1997, the deadline for final adoption of any amendments would be January 1, 1998. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

Section 9.1(e) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

i) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board according to the schedule and requirements of Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5]. This prospective rulemaking may include a number of matters relating to the emission of volatile organic material: (1) It may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the U.S. Environmental Protection Agency (USEPA), as these measures are part of Illinois' 15% ROP Plan, required by federal law. (2) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new USEPA Control Technique Guideline (CTG). This control measure is part of Illinois' ROP Plan, required by federal law. (3) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new USEPA CTG. This control measure is part of Illinois' 15% ROP Plan, required by federal law. (4) It may include definitions as necessary to supplement any rules proposed to address control measures for major wood furniture coating sources that have been addressed by a new USEPA CTG. This control measure is part of

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Illinois' 15% ROP Plan, required by federal law. (5) It may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code 218 and 219.

The 15% ROP Plan and 9% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the federal Clean Air Act (CAA), as amended in 1990.

B) Statutory Authority: Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

C) Scheduled meeting/hearing dates: No hearings on amendments necessary to address revisions to Part 211 have been scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5] for rules promulgated pursuant to this fast-track provision. Hearings on non-Section 28.5 rulemakings will proceed according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: A late Summer 1997 Agency submittal to the Board is expected on amendments necessary to address revisions to Part 211, after which the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporation: This rulemaking will address definitions, and are not expected in themselves to have a substantive impact on sources affected by Illinois' air pollution regulations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500

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Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: The reserved identical-in-substance definition of VOM update docket, R98-1 (see item (h) above), docket R97-31 (see item (j) below, and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

With respect to amendments necessary to address revisions to Part 211, the Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

j) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro-East Area (35 Ill. Adm. Code 219)

1) Rulemaking: Docket number R97-31

A) Description: This rulemaking proposes amendments to 35 Ill. Adm. Code 211, 218 and 219 pursuant to section 182(b)(2) and Section 183 of the Clean Air Act, as amended in 1990, 42 U.S.C. 7401 et seq., which requires states to submit revisions to their State Implementation Plans (SIPs) to include provision requiring the implementation of Reasonably Available Control Technology (RACT) for each category of volatile organic material (VOM) sources covered by a Control Techniques Guideline (CTG) document.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: The Board expects to hold hearings in August, 1997.

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D) Date agency anticipates First Notice: The Board anticipates First Notice publication of Notices of Proposed Amendments in the *Illinois Register* in the Fall of 1997.

E) Affect on small business, small municipalities or not for profit corporation: Those small businesses, small municipalities or not-for-profit corporations that own or operate wood furniture coating operations that emit more than 25 tons of volatile organic material annually may be affected by the amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-31, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-31, as follows:

Audrey Lozuk-Lawless
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6923
Internet: alozukla@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The reserved identical-in-substance definition of VOM update docket, R98-1 (see item (h) above), another prospective rulemaking (see item (i) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211. Other prospective rulemakings (see items (l) and (m) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 218 and/or 219.

k) Part (Heading and Code Citation): Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

1) Rulemaking: No docket presently reserved.

A) Description: The Agency is presently developing a rulemaking proposal for filing with the Board. This prospective rulemaking would amend existing air pollution control rules for VOM to clean

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up the existing language to make these regulations consistent with the language in 35 Ill. Adm. Code 218 and 219. In some cases, these revisions will be substantive. The rulemaking is also intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code 218 and 219, pursuant to Illinois' 15% ROP Plan rulemakings. These revisions will be both substantive and nonsubstantive, but are not expected to be controversial.

B) Statutory Authority: Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: A late Summer or early Fall, 1997 Agency submittal to the Board is expected.

E) Affect on small business, small municipalities or not for profit corporation: This rulemaking may affect small businesses, small municipalities or not-for-profit corporations to the extent they emit VOM. It is anticipated that the amendments should have no negative impact on sources subject to the rules in Part 215, because all revisions are intended to make the rules clearer and more consistent. The substantive revisions, which are intended to make the rules not inconsistent with the language in Parts 218 and 219, will not make these regulations more stringent, and therefore, should not be controversial.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500

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Chicago, IL 60601
312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 215.

The Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer
Illinois Environmental Protection Agency
2200 Churhill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

- 1) Part (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board according to the schedule and requirements of Sections 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as necessary to address any U.S. Environmental Protection Agency (USEPA) conditional approval items on rules promulgated pursuant to Illinois' 15% ROP Plan, or otherwise required under the federal Clean Air Act (CAA), as amended in 1990. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the CAA.

(1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings. (2) One of these rulemakings may also include a rule for major wood furniture coating sources, for which a final federal control techniques guideline (CTG) was published in late Spring 1996. Under Section 182(b)(2)(A) of the CAA, States must submit a SIP revision to require Reasonably Available Control Technology (RACT) for major sources covered by a CTG issued by the Administrator of USEPA between the date of the enactment of the 1990 amendments to the CAA and the date of attainment. (3) One of these rulemakings may

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include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling. (4) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which is expected to be published in early 1997. (5) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings.

- B) Statutory Authority: Sections 10, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].

- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

- D) Date Agency anticipates First Notice: A late Summer 1997 Agency submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporation: If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture.

If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

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Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective rulemaking (see item (j) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

There have been a number of amendments to Parts 218 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Since a final Control Techniques Guideline has been published in Spring 1996 regarding wood furniture coatings, the Agency will need to proceed with regulations addressing the VOC content of such coatings, housekeeping practices, record keeping and reporting requirements and other provisions of the CTG. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the Agency has met with potentially affected sources to discuss any proposed rules. The Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer
Illinois Environmental Protection Agency
2200 Churhill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for Metro-East Area.

- m) Part (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board according to the schedule and requirements of Sections 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as

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necessary to address any U.S. Environmental Protection Agency (USEPA) conditional approval items on rules promulgated pursuant to Illinois' 15% ROP Plan, or otherwise required under the federal Clean Air Act (CAA), as amended in 1990. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the CAA. (1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rulemakings pursuant to the 15% ROP Plan rulemakings. (2) One of these rulemakings may also include a rule for major wood furniture coating sources, for which a final federal control techniques guideline (CTG) was published in late Spring 1996. Under Section 182(b)(2)(A) of the CAA, States must submit a SIP revision to require Reasonably Available Control Technology (RACT) for major sources covered by a CTG issued by the Administrator of USEPA between the date of the enactment of the 1990 amendments to the CAA and the date of attainment. (3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling. (4) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which was published in June, 1997. (5) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings.

- B) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].

- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

- D) Date agency anticipates First Notice: A late Summer 1997 Agency submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporation: If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture.

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If rules regulating cold cleaning degreasing operations are proposed, they would potentially affect major suppliers of solvent used in cold cleaning degreasing operations and all operators of cold cleaning degreasers.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments:
Another prospective rulemaking (see item (j) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 219.

There have been a number of amendments to Parts 219 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules.

Since a final Control Techniques Guideline has been published in late Spring 1996, regarding wood furniture coatings, the Agency will need to proceed with regulations addressing the VOM content of such coatings, housekeeping practices, record keeping and reporting requirements and other provisions of the CTG. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the Agency has met with potentially affected sources to discuss any proposed rules. The Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer

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Illinois Environmental Protection Agency
2200 Churhill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 218, Organic Material Emission Standards and Limitations for the Chicago Area.

n) Part (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments to the vehicle inspection and maintenance regulations for proposal to the Board pursuant to Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and the Section 28.5 "fast-track" provision of the Environmental Protection Act [415 ILCS 5/28.5]. This rulemaking would substitute the current Section 240.171 evaporative system integrity (pressure) test with one or more quicker, non-intrusive "fuel cap only" pressure tests. These amendments would enable each test to be performed in much less time on most vehicles and would also greatly reduce the possibility of vehicle damage. The amendments would result in lowered cost to the state and greater motorist convenience.

B) Statutory Authority: Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5]. The Board presently anticipates receiving the proposal and scheduling at least one public hearing in Summer 1997.

D) Date Agency Anticipates First Notice: A Notice of Proposed Amendments will appear in the *Illinois Register* after this proceeding commences. An Agency submittal of the proposal to the Board will commence this proceeding and is expected in Spring 1997.

E) Affect on small business, small municipalities or not-for-profit

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corporations: The Board presently anticipates that this proceeding may affect small businesses, small municipalities, and non-for-profit corporations to the extent they own or operate motor vehicles that would be subject to the amended regulations. The Board presently anticipates that the affect would be positive, since the amendments would use less time-consuming and less intrusive procedures than those presently required.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 240.

For further information from the Agency, contact:

Christopher Demeroukas, Attorney
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churhill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

- o) Part (Heading and Code Citation): Clean Fule Fleets Program (35 Ill. Adm. Code 241)

- 1) Rulemaking: No docket presently reserved.

- A) Description The federal Clean Fuel Fleet Program (CFPP) was adopted by U.S. Environmental Protection Agency (USEPA) on September 11, 1995, pursuant to Section 241 of the federal Clean

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Air Act (CAA). The CFPP requires owners and operators of 10 or more vehicles that are located in or primarily operated in the Chicago ozone nonattainment area to acquire a certain percentage of low emission vehicles (LEVs) if they acquire any new vehicles, beginning September 1997. However, insufficient LEVs will be available to fleets. USEPA is aware of this issue and has provided guidance allowing states to delay compliance with the acquisition requirements by one year. The Illinois Environmental Protection Agency (Agency) will file a rulemaking proposal before the Board to incorporate the federal one year delay.

- B) Statutory Authority: Sections 9, 9.1, 10, and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10 & 28.5].

- C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date Agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. An Agency submittal of a proposal to the Board will commence this proceeding and is expected to be filed in July, 1997.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small businesses, small municipalities or not-for-profit corporations that own or operate 10 or more vehicles that are located in or primarily operated in the Chicago ozone nonattainment area. These revisions are anticipated to reduce the burden of compliance for all affected entities.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

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312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 241. For information regarding the Agency's development of this proposal, please contact:

Rachel L. Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-524-3333

p) Parts (Headings and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: R97-25.

- A) Description: On March 21, 1997, the Illinois Environmental Protection Agency (Agency) filed with the Board a rulemaking proposal that would amend the Water Quality Standards specific to the Lake Michigan Basin as protective as the Final Water Quality Guidance for the Great Lakes System, published by the U.S. Environmental Protection Agency (USEPA) on March 23, 1995 (60 Fed. Reg. 15366) and codified at 40 CFR Parts 9, 122, 123, 131, and 132, in advance of promulgation of regulations by the USEPA.

- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27 & 28)

C) Scheduled meeting/hearing date:

July 28, 1997 10:00 A.M. Conference Room Waukegan
District 555 S. Harbor Place Waukegan, Illinois

- D) Date agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register* in June or July 1997.

- E) Affect on small businesses, small municipalities or not for profit corporations: The amendments may affect those small businesses, small municipalities and not for profit corporations that

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discharge wastewater into the Lake Michigan Basin.

- F) Agency contact person for information: Address written comments concerning the substance of the following rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Marie E. Tipsord
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-4925
Internet: mtipsord@pcb084rl.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective rulemaking (see items (g) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 304. No other known proceeding would impact the general provisions of Part 302 or 303.

In addition to the noted amendments to the water pollution control regulations, the Agency anticipates adopting procedural rules to apply these amendments to individual dischargers into the Lake Michigan Basin.

For information regarding the Agency's development of this proposal, please contact:

Toby Frevert
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-782-1696

- q) Parts (Headings and Code Citations): Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: Docket number R97-28

- A) Description: This site-specific rulemaking modifies the ammonia

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nitrogen effluent standard for the Mobil Oil Corporation facility located in Joliet, Illinois, with regard to 35 Ill. Adm. Code 304.122.

- B) Statutory Authority: Sections 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Board will hold a hearing on July 2, 1997.

- D) Date agency anticipates First Notice: The Board anticipates that First Notice publication of Notices of Proposed Amendments in the *Illinois Register* will occur in late August, 1997.

- E) Affect on small business, small municipalities or not for profit corporation: The only facility affected by this site-specific rulemaking is Mobil Oil Corporation's facility which employs 575 persons.

- F) Agency contact person for information: Address questions concerning this regulatory agenda, noting docket number R97-28, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-28, as follows:

Audrey Lozuk-Lawless
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6923
Internet: alozuka@pcb084R1.state.il.us

- G) Related rulemakings and other pertinent information: Another prospective rulemaking (see items (p) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 304.

r) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

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Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Presently reserved docket number R98-7

- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the U.S. Environmental Protection Agency (USEPA) wastewater pretreatment rules.

The Board has reserved docket number R98-7 to accommodate any amendments to the 40 CFR 300 through 499 that USEPA may make in the period January 1 through June 30, 1997 relating to wastewater pretreatment. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the Illinois wastewater pretreatment regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

- B) Statutory Authority: Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be January 1, 1997, the deadline for final adoption of any amendments would be January 1, 1998. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small

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municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-7, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking (see item (s) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 310. No known proceeding would impact the general provisions of Part 307.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- S) Part(s) (Heading and Code Citation): Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: No Docket presently reserved.

A) Description: The Illinois Environmental Protection Agency

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(Agency) is presently developing a rulemaking proposal for filing with the Board that would amend the Pretreatment Program removal credit regulations to incorporate provisions for the federal sludge management rules published by the United States Environmental Protection Agency (USEPA) on February 19, 1993 (58 Fed. Reg. 9248) in preparation for the State's application for delegation of the federal Pretreatment and Sludge management programs.

- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27 & 28).

- C) Scheduled meeting/hearing date: No meetings are scheduled at this time. Once the proposal is filed, presently anticipated in Fall 1997, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. Agency submittal of a proposal to the Board will commence this proceeding and is expected to be filed in Fall 1997.

- E) Affect on Small Businesses, small municipalities or not for profit corporations: The amendments may affect any small businesses, small municipalities and not for profit corporations that discharge or receive for treatment industrial waste water.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

- G) Related rulemaking and other pertinent information: In addition to the noted amendments to the pretreatment program, the Agency

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anticipates amending its Design Criteria for Sludge Application on Land (35 Ill. Adm. Code 391) to incorporate amendments in 40 CFR 503.

Another prospective rulemaking, R98-7 (see item (r) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 310.

For information regarding the Agency's development of this proposal, please contact:

Tom McSwiggin
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-782-0610

t) Parts (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)
Implementation Program (35 Ill. Adm. Code 504)
Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: No docket presently reserved.

- A) Description: The Livestock Management Facilities Act (LMFA) (510 ILCS 77/1 et seq.; adopted as Pub. Act 89-456, effective May 21, 1997) sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. It further provides for education and certification of livestock managers, research, proper disposal of livestock waste, financial responsibility for the closure of lagoons, and setback distances. The LMFA also directed the Board to adopt rules to implement the provisions of the LMFA. The Board on May 15, 1997, adopted final rules to implement the provisions of the LMFA. Besides the rules adopted to implement the LMFA, the Board also has regulations which are specific to livestock waste management facilities. The Board acknowledges that these older regulations were promulgated long before the current agricultural changes and trends found by the legislature in adopting the LMFA. Accordingly, the Board has observed that the rules adopted to implement the LMFA may be inconsistent with existing regulations. Therefore, the Board is considering opening a docket to rectify these inconsistencies.

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- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once a proposal is completed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the *Illinois Register* in the Summer or Fall of 1997.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments may affect small business, small municipalities or not-for-profit corporations to the extent that they own or operate livestock management facilities subject to the existing regulations.

- F) Agency contact person for information: Address written comments concerning the substance of this rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Cynthia I. Ervin
Pollution Control Board
600 South Second Street
Suite 402
Springfield, IL 62704
217-524-8509
Internet: cervin@pcb084R1.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking, R97-15(B) (see item (u) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 506. No other known proceeding would impact the general provisions of Parts 501 through 504.

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- u) Part (Heading and Code Citation): Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: Docket number R97-15(B)

A) Description: This rule will ultimately set forth the level of surety required of owners of new or modified lagoons registered under the provisions of the Livestock Management Facilities Act, 510 ILCS 77/1 et seq. Proposed rules have not yet been received by the Board.

B) Statutory Authority: Section 55 of the Livestock Management Facilities Act, 510 ILCS 77/55.

C) Scheduled Meeting/Hearing Dates: Hearings have not yet been scheduled. At least two public hearings will be scheduled after proposed rules are received.

D) Date Agency Anticipates First Notice: The Board anticipates publication of its First Notice proposal in the *Illinois Register* in August, 1997.

E) Effect on Small Business, Small Municipalities, or Not-for Profit Corporations: Inasmuch as this rulemaking will affect only owners of new or modified lagoons registered under the Livestock Management Facilities Act, i.e., farmers, any effect on small business, small municipalities or not-for-profit corporations would be indirect and minimal.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking, noting docket number 97-15(B), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-15(B), as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: cfeinen@pcb084r1.state.il.us

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G) Related Rulemakings and Other Pertinent Information: Other rules implementing the Livestock Management Facilities Act were adopted by the Board on May 15, 1997, under docket number 97-15(A). On June 20, a petition for review of the Board's May 15 order was filed with the Illinois Appellate Court (Fifth District). This appeal could impact this rulemaking.

Another prospective rulemaking (see item (t) above) could potentially affect Part 506.

v) Parts (Headings and Code Citations): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: R97-30.

A) Description: On June 19, 1997, the Board accepted a proposal filed June 2, 1997 by the Illinois Environmental Protection Agency (Agency). The Agency proposal seeks to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency's own laboratory accreditation rules proposed as 35 Ill. Adm. Code 186. A Notice of Proposed Rules for the Agency Part 186 lab accreditation rule was published in the *Illinois Register* on June 13, 1997 (21 Ill. Reg. 6979). In accepting the Agency's proposal, the Board expressed concern that hearings held on the cross-reference proposal before Part 186 is final could be confusing to the public and stayed hearings on the proposal for 120 days.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. In accepting the Agency's proposal, the Board stayed hearings on the proposal for 120 days. At the appropriate time, the Board will conduct public hearings in accordance with the requirements established of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: A Notice of Proposed Amendments will appear in the *Illinois Register* after the Board has voted to accept proposed amendments for First Notice publication. The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the Winter or Spring of 1997-1998.

E) Affect on small business, small municipalities or not for profit corporations: These amendments may affect small business, small

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municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the primary drinking water standards of 35 Ill. Adm. Code 611.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-30, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-30, as follows:

K.C. Poulos, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-3665
Internet: kpoulos@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The presently-reserved routine identical-in-substance update docket, R98-2 (see item (w) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Part 611.

w) Part(s) (Heading(s) and Code Citation(s)): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Presently reserved docket number R98-2

A) Description: Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5 (1994)] mandates that the Board update the Illinois Safe Drinking Water Act (SDWA) regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R98-2 to accommodate any

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amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that USEPA may make in the period January 1 through June 30, 1997. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the Illinois SDWA regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be January 1, 1997, the deadline for final adoption of any amendments would be January 1, 1998. The Board would cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-2, as follows:

POLLUTION CONTROL BOARD

JULY 1997 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccamb@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Reserved rulemaking, R97-30 (see item (V) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- x) Part(s) (Heading and Code Citation): Regulated Recharge Areas (35 Ill. Adm. Code 617)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is preparing a rulemaking proposal for filing before the Board that would establish a regulated recharge area for the Pleasant Valley Public Water District. This new Subpart would prescribe the requirements and standards for the protection of the Pleasant Valley Public Water District for certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area boundary delineated in the amendments.

- B) Statutory Authority: Implementing and authorized by Sections 17.4 and Section 27 of the Illinois Environmental Protection Act

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(415 ILCS 5/17.4 & 5/27).

- C) Scheduled meeting/hearing dates: In preparing the proposal, the Agency has held a public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. Public comments on the proposal were received. On June 7, 1996, a workshop was held on the proposal. The Agency has not set dates for further meetings. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: An Agency submittal of the rulemaking proposal is anticipated by August 30, 1997. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28) upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by contingency planning requirements that would be part of the amendments, and they may have constraints upon expansion of activities that are hazardous to the groundwater protected by the regulated recharge area.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 617.

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Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-524-8653

y) Part(s) (Heading and Code Citation Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.

B) Statutory Authority: Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act (415 ILCS 5/14.3 & 5/27).

C) Scheduled meeting/hearing dates: In preparing the proposal, the Agency has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

D) Date agency anticipates First Notice: An Agency submittal of the

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rulemaking proposal is anticipated by August 30, 1997. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28) upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on Small Businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 618.

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-524-8653

POLLUTION CONTROL BOARD

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- z) Part(s) (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is considering filing a rulemaking proposal before the Board. The proposal would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that Section by the appellate court in People v. Stonehedge (94-CH-46, May 22, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells is acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances in which the Agency has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

B) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8 and Section 27 of the Illinois Environmental Protection Act (415 ILCS 5/27).

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

D) Date agency anticipates First Notice: An Agency submittal of the rulemaking proposal is anticipated by August 30, 1997. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28) upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations: Small Businesses, small municipalities or not for profit corporations would be affected by the amendments to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk

POLLUTION CONTROL BOARD

JULY 1997 REGULATORY AGENDA

Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 620.

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-524-8653

aa) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific

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Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Presently reserved docket number R97-3 (UIC) and R97-5/R96-10 (RCRA Subtitle C) (consolidated)

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the USEPA RCRA Subtitle C regulations.

The Board has reserved docket number R96-10 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1 through December 31, 1995. The Board is presently aware of several federal actions during the time-period:

July 7, 1995 (61 Fed. Reg. 35452): Corrections to Subpart CC rules. No Board action will be necessary based on this action.

July 11, 1995 (61 Fed. Reg. 35703): Addition of test Method for testing biodegradability of absorbent materials.

August 2, 1995 (61 Fed. Reg. 39586): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

August 14, 1995 (61 Fed. Reg. 41817): Notice of revised interpretation of carbamate rule.

August 28, 1995 (61 Fed. Reg. 44670): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

September 29, 1995 (61 Fed. Reg. 50426): Partial Stay of Subpart CC rules. The Board dealt with these amendments in R95-20, so no further action will be necessary (once R95-20 is adopted).

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October 16, 1995 (61 Fed. Reg. 53529): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

October 23, 1995 (61 Fed. Reg. 54311): Correction of hazardous waste delisting for entity with an Illinois facility.

October 30, 1995 (61 Fed. Reg. 55202): Stay of used oil mixtures rule.

November 13, 1995 (61 Fed. Reg. 56952): Delayed effective date for Subpart CC rules.

December 11, 1995 (61 Fed. Reg. 63417): Amendments to permitting procedural requirements.

The Board has reserved docket number R97-5 to accommodate any amendments to the 40 CFR 260 through 272 that USEPA may make in the period January 1 through June 30, 1995. The Board has determined that several federal actions occurred during the time-period:

April 8, 1996 (61 Fed. Reg. 15566): Phase III land disposal restrictions.

April 8, 1996 (61 Fed. Reg. 15660): Partial withdrawal and amendment of Phase III land disposal restrictions.

April 12, 1996 (61 Fed. Reg. 16290): OECD Council determination that resulted in amendments to hazardous waste import and export regulations.

April 30, 1996 (61 Fed. Reg. 19117): Corrections to Phase III land disposal restrictions. No Board action will be necessary based on this action.

The Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date, but later amendments may be included if they directly affect the subject matter of the federal amendments included in the time-frames of the dockets involved.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the USEPA UIC rules. USEPA adopted various amendments on April 8 and

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30, 1996 related to its Phase III land disposal restrictions (listed above under R97-5). Those amendments affected the UIC regulations.

The Board consolidated the three dockets by an order dated October 17, 1996. The reasons stated for consolidation are that the sets of amendments involved in the three dockets are all closely related and that consolidation will allow expedited consideration of all the amendments.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R96-10, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 11, 1995, which would have required Board adoption by July 11, 1996. The Board stated in its October 17, 1996 order that it anticipated completion of the amendments some time before April 1, 1997. On May 1, 1997, the Board entered a second order setting forth reasons for further delay, stating that the Board anticipated filing adopted amendments with the Secretary of State by October 15, 1997. Board staff has been diligently assembling a proposal for public comment in this matter, and the Board presently anticipates adopting a proposal for public comment in July, 1997 for subsequent publication in the *Illinois Register*. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

B) Statutory Authority: Sections 13(c), 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/13(c), 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: Board staff has been diligently assembling a proposal for public comment in this matter, and the Board presently expects to adopt a proposal for public comment in R96-10/R97-3/R97-5 in July, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that the Board must

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adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R96-10, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 11, 1995, which would have required Board adoption by July 11, 1996. The Board stated in its May 1, 1997 order that it anticipated completion of the amendments some time before October 15, 1997. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste or underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-3(UIC) and R97-5/R96-10 (RCRA Subtitle C), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-3(UIC) and R97-5/R96-10 (RCRA Subtitle C), as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle C update rulemaking dockets R97-21 and R98-5 (see items (bb) and (cc) below); the reserved underground injection control docket R98-5 (see item (dd) below); the prospective fluorescent light bulb proceeding (see item (ee) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 through 739.

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Title VII of the Act and Section 5 of the

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Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

bb) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
 RCRA Permit Program (35 Ill. Adm. Code 703)
 UIC Permit Program (35 Ill. Adm. Code 704)
 Procedures for Permit Issuance (35 Ill. Adm. Code 705)
 Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
 Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
 Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
 Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
 Land Disposal Restrictions (35 Ill. Adm. Code 728)
 Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
 Standards for Universal Waste Management (35 Ill. Adm. Code 733)
 Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
 Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R97-21

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments that occurred at this time.

The Board has reserved docket number R97-21 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1 through December 31, 1996. The Board is presently aware of several federal actions during the time-period:

July 1, 1996 (61 Fed. Reg. 34251): Amended criteria for solid

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and hazardous waste facilities.

July 10, 1996 (61 Fed. Reg. 36419): Corrections to April 8, 1996 Phase III land disposal restrictions.

August 5, 1996 (61 Fed. Reg. 40520): Approval of Illinois RCRA Subtitle C program elements. Although no amendments will be required based on this action, the Board will note the approval in its opinion for the convenience of members of the regulated community.

August 26, 1996 (61 Fed. Reg. 43923): Emergency amendments to the April 8, 1996 Phase III land disposal restrictions.

November 4, 1996 (61 Fed. Reg. 56631): Correction to the text of the July 1, 1996 Code of Federal Regulations.

November 25, 1996 (61 Fed. Reg. 59931): Amendment of the December 6, 1994 organic emission standards for hazardous waste tanks, surface impoundments, and containers (Subpart CC rules).

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-21, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997. As a result in the delay in the prior consolidated identical-in-substance update docket, R96-10/R97-3/R97-5 (see item (##) above), progress in this docket has been unavoidably delayed. The Board cannot propose amendments in this docket until the amendments in the prior docket are filed with the Secretary of State, at the earliest. The Board anticipates entering an order some time in July, 1997 setting forth reasons for the delay and projecting a time for completion of this rulemaking. The Board will cause a Notice of Public Information to appear in the *Illinois Register* setting forth reasons for delay.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project

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an exact date for publication at this time. The Board expects to verify any federal actions by end of February 1997, and complete the actions in the prior consolidated update docket, R96-10/R97-3/R97-5, by Spring 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* for this docket, R97-21. Section 22.4(a) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-21, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking dockets R96-10/R97-3/R97-5 (see item (aa) above) and R98-5 (see item (cc) below); the reserved underground injection

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control docket R98-5 (see item (dd) below); the prospective fluorescent light bulb proceeding (see item (ee) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 through 739.

Section 22.4(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

cc) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: GENERAL (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R98-5

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments that occurred at this time.

The Board has reserved docket number R98-5 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period January 1 through June 30, 1997. At this time, the Board has not yet verified whether any federal

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actions have occurred that will require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the RCRA Subtitle C regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by end of February 1997, and complete the actions in the prior consolidated update docket, R96-10/R97-3/R97-5, by Spring 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register for this docket, R98-5. Section 22.4(a) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be January 1, 1997, the deadline for final adoption of any amendments would be January 1, 1998. As a result of the delay in the prior consolidated identical-in-substance update docket, R96-10/R97-3/R97-5 (see item (##) above), and the delay that will consequently result in the next subsequent update docket, R97-21 (see item (##) above), progress in this docket will ultimately be unavoidably delayed. The Board cannot propose amendments in this docket until the amendments in the prior dockets are filed with the Secretary of State, at the earliest. The Board anticipates entering an order some time prior to January, 1998 setting forth reasons for the delay and projecting a time for completion of this rulemaking. The Board will cause a Notice of Public Information to appear in the Illinois Register setting forth reasons for delay.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking dockets R96-10/R97-3/R97-5 and R97-21 (see items (aa) and (bb) above); the reserved identical-in-substance underground injection control update docket R98-3 (see item (dd) below); and the prospective fluorescent light bulb proceeding (see item (ee) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 through 739.

Section 22.4(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCARR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

dd) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: GENERAL (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

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Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R98-3

A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the U.S. Environmental Protection Agency (USEPA) UIC rules during the period January 1 through June 30, 1997. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the underground injection control (UIC) regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/13(c) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: Board staff has been diligently assembling a proposal for public comment in the prior consolidate RCRA Subtitle C hazardous waste and UIC update, and the Board presently expects to adopt a proposal for public comment in R96-10/R97-3/R97-5 in July, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the identical-in-substance update docket, R96-10/R97-3/ R97-5 (see item (###) above), progress in this docket will ultimately be unavoidably delayed. The Board cannot propose amendments in this docket until the amendments in the prior docket are filed with the Secretary of State, at the earliest. The Board anticipates entering an order some time prior to January, 1998 setting forth reasons for the delay and projecting a time for completion of this rulemaking. The Board will cause a Notice of Public Information to appear in the *Illinois Register* setting forth reasons for

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delay.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste or underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle C update rulemaking dockets R96-10/R97-3/R97-5 (consolidated), R97-21, and R98-3 (see items (aa) through (cc) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702, 704, 705, 720, 730, and 738.

Section 13(c) of the Environmental Protection Act provide that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ee) Part(s) (Headings and Code Citation):

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RCRA Permit Program (35 Ill. Adm. Code 703)
 Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
 Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
 Land Disposal Restrictions (35 Ill. Adm. Code 728)
 Standards for Universal Waste Management (35 Ill. Adm. Code 733)

1) Rulemaking: No docket presently reserved.

A) Description: The Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board that would amend the universal waste management regulations, located at 35 Ill. Adm. Code 733. The federally derived universal waste regulations provide an alternative set of regulations to the RCRA Subtitle C hazardous waste rules, which would otherwise apply to the covered wastes. The existing rules presently include used and waste batteries, pesticides, and mercury-containing thermostats as "universal waste" for which they prescribe management standards. The prospective amendments would define used and waste mercury containing fluorescent light bulbs as universal waste and set forth requirements governing their management.

B) Statutory Authority: Sections 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/22.4 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal to the Board by October/November 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, not for profit corporations, and small municipalities that manage used and waste mercury-containing fluorescent light bulbs may be affected by this rule. The amendments would provide for management of these materials as universal waste as an alternative to management as RCRA Subtitle C hazardous waste, which would constitute a relaxation of existing regulations.

F) Agency contact person for information: Address written comments

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
 Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601
 312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
 Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601
 312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking dockets R97-19/R97-3/R97-5 (consolidated), R97-21/R98-3, and R98-5 (see items (aa) through (cc) above) and the reserved identical-in-substance underground injection control docket, R98-3 (see item (dd) above), could potentially impact Parts 702 through 739. For information regarding the Illinois Environmental Protection Agency's proposal, please contact:

Christopher Perzan
 2200 Churchill Road
 Division of Legal Counsel
 P.O. Box 19276
 Springfield, IL 62794-9276
 217-782-5544

ff) Part(s) (Headings and Code Citation): Review of Operator's Prior Experience (35 Ill. Adm. Code 706)

1) Rulemaking: No docket presently reserved.

A) Description: The Environmental Protection Agency (Agency) is presently preparing a proposal for filing with the Board that would establish regulatory procedures for the denial of any RCRA permit or any permit for the conduct of any waste-transportation or waste-disposal operation if the prospective operator or any employee or officer of the prospective operator has a history of conduct that violates Section 39(i) of the Environmental Protection Act 415 ILCS 5/39(i).

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B) Statutory Authority: Sections 22.4(b), 27, and 39(i) of the Environmental Protection Act [415 ILCS 5/22.4(b), 27 & 39(i)].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct public hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal to the Board is expected by January 1, 1998, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small not for profit corporations, and small municipalities may be affected by this rule to the extent they own or operate a facility or engage in any activity that requires an applicable permit.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the general provisions of Part 706. For information regarding the Agency's development of this proposal, please contact:

Christopher Perzan
2200 Churchill Road
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276

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217-782-5544

gg) Parts (Headings and Code Citations): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Docket number R97-12(B)

A) Description: The Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board on May 1, 1997. The proposal would amend the tiered approach to corrective action objectives (TACO) rule to address mixtures of similar-acting substances (carcinogens and noncarcinogens) as they affect the Tier 1, Tie 2, and Tier3 remediation objectives. In developing the proposal, the Agency used the U.S. Environmental Protection Agency (USEPA) "Draft Guidance for Soil Screening Levels" as a model.

B) Statutory Authority: Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14 & 58.5].

C) Scheduled Meeting/Hearing Dates: Hearings were held in Chicago on Wednesday, May 21, 1997 and in Springfield on Thursday, May 29, 1997.

D) Date Agency Anticipates First Notice: The Board expects to cause publication of its First Notice proposal in the *Illinois Register* in July, 1997.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in remedial actions or own or operate land subject to corrective action. TACO is a voluntary program.

F) Agency Contact Person for Information: For written comments concerning the substance of the rulemaking, noting docket number R97-12(B), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-12(B), as follows:

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Amy Muran Felton, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-7011
Internet: amuranfe@pcb084r1.state.il.us

- G) Related Rulemakings and Other Pertinent Information: No other presently known proceeding would impact the general provisions of Part 742.

For information regarding the Agency's development of this proposal, please contact:

Kimberly A. Robinson
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-782-5544

hh) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for all Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R97-20

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R97-20 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that USEPA may make in the period July 1 through December 31, 1996. At this time, the Board is aware of three sets of federal amendments that fall within the scope of our mandate during this period to

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JULY 1997 REGULATORY AGENDA

date:

July 1, 1996 (61 Fed. Reg. 34251): Amended criteria for solid and hazardous waste facilities.

September 25, 1996 (61 Fed. Reg. 50409): Re-establishment of groundwater monitoring exemption for small landfills in dry or remote areas.

November 27, 1996 (61 Fed. Reg. 50327): Additional financial assurance mechanisms for local government-owned landfills.

Section 22.40(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-20, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997.

- B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board expects to adopt a proposal for public comment in R97-20 some time in Summer 1997, after which time the Board would cause publication of Notices of Proposed Amendments in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Section 22.40(a) of the Environmental Protection Act provide that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R97-20, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 1, 1996, which will require Board adoption by July 1, 1997. Since the Board has not yet caused publication of Notices of Proposed Amendments, this proceeding will be late. For this reason, the Board will adopt an order at a July, 1997 and cause a Notice of Public Information on Proposed Rules to appear in the *Illinois Register* that sets forth the reasons for delay.

- E) Affect on small business, small municipalities or not for profit

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corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-20, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-20, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: The identical-in-substance RCRA Subtitle D municipal solid waste landfill update docket, R98-4 (see item (ii) below), and a prospective proposal for amendments to the solid waste landfill regulations anticipated from the Illinois Environmental Protection Agency (see item (kk) below) and other, as yet unknown rulemaking proceedings could potentially impact Parts 807 and 810 through 815.

Section 22.40(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- ii) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)

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Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810) Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811) Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813) Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814) Procedural Requirements for all Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R98-4

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R98-4 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that USEPA may make in the period January 1 through June 30, 1997.

Section 22.40(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-20, the earliest federal amendments in the applicable period occurred on January 1, 1997. That means that the nominal due date for the R98-4 amendments is January 1, 1998.

- B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board expects to adopt a proposal for public comment in R97-20 some time in Fall 1997, after which time the Board would cause publication of Notices of Proposed Amendments in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Section 22.40(a) of the Environmental Protection Act provide that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R97-20, the

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earliest possible federal amendments in the time-frame of this docket that will require Board action would be January 1, 1997, which would require Board adoption by January 1, 1998.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The identical-in-substance RCRA Subtitle D municipal solid waste landfill update docket, R98-4 (see item (hh) above), and a prospective proposal for amendments to the solid waste landfill regulations anticipated from the Illinois Environmental Protection Agency (see item (kk) below) and other, as yet unknown rulemaking proceedings could potentially impact Parts 807 and 810 through 815.

Section 22.40(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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jj) Part (Heading and Code Citation): Special Waste Classifications (35 Ill. Adm. Code 808)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board that would amend the special waste classification regulations, located at 35 Ill. Adm. Code 808. The amendments would provide relaxation of requirements relating to the handling of special waste for small businesses.

B) Statutory Authority: Sections 21, 22, 22.01, 22.9, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An Agency submittal to the Board by June 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that generate, transport, or manage, special waste may be affected by these amendments. The amendments would provide relaxation of requirements relating to the handling of special waste for small businesses.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JULY 1997 REGULATORY AGENDA

Chicago, Illinois 60601

312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: As yet unknown rulemaking proceedings could potentially impact Part 808.

For information regarding the Agency's development of this proposal, please contact:

Judith S. Dyer

2200 Churchill Road

P.O. Box 19276

Springfield, IL 62974-9276

217-782-5544

kk) Part (Heading and Code Citation):

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) and the National Solid Waste Management Association are currently developing a proposal for joint filing with the Board that would amend the regulations governing municipal solid waste landfills, located at 35 Ill. Adm. Code 811 and 813. The amendments would amend the standards for management and permitting of new solid waste landfills.

B) Statutory Authority: Sections 5, 21.1, 21, 22, 22.17, and 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An Agency submittal to the Board by August, 1997 is expected, after which the Board will cause First Notice publication of Notices of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations may be affected by these amendments to the extent that those entities own or operate

POLLUTION CONTROL BOARD

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a municipal solid waste landfill facility.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk

Pollution Control Board

100 W. Randolph Street, Suite 11-500

Chicago, IL 60601

312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney

Pollution Control Board

100 W. Randolph Street, Suite 11-500

Chicago, IL 60601

312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle D update rulemaking dockets R97-20 and R98-4 (see items (hh) and (ii) above) could potentially impact Part 811 or 813 involved in this docket.

For information regarding the Agency's development of this proposal, please contact:

Judith S. Dyer

2200 Churchill Road

P.O. Box 19276

Springfield, IL 62974-9276

217-782-5544

- ll) Parts (Headings and Code Citations): Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

- 1) Rulemaking: Docket Number R97-27

A) Description: On March 4, 1997, the Illinois Cast Metals Association (ICMA) filed a proposal with the Board to amend 35 Ill. Adm. Code 817.101. Section 817.101 addresses the scope and applicability of Part 817, Requirements for New Steel and Foundry Industry Wastes Landfills. Generally, certain steel and foundry operations may opt to comply with the Part 817 requirements in lieu of disposing of their wastes as chemical waste in Part 811 landfills. Part 817 contains requirements for management and disposal of certain steel and foundry wastes that meet the waste

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classification criteria (maximum allowable leaching concentrations (MALCs)). ICMA proposes to expand the scope of Part 817 to allow certain nonferrous foundries the option of availing themselves of Part 817. Specifically, ICMA proposes to include the following among those wastes that may come within Part 817: non-putrescible wastes produced by nonferrous foundry processes covered by SIC Codes 3365 and 3366, with the exception of those foundries that pour leaded brass.

B) Statutory Authority: Sections 21, 22, 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/21, 22, 27 & 28].

C) Scheduled meeting/hearing dates: The first hearing in this matter was held in Chicago, Illinois on June 2, 1997. The second hearing, originally scheduled to take place in Springfield, Illinois on June 20, 1997, was postponed at the request of ICMA and has not yet been rescheduled. ICMA is required to file a status report with the Board stating when it will be prepared to proceed with the second hearing. The Board will conduct any such hearing in accordance with the schedule and requirements established by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: As described above, the second hearing in this matter was postponed at the request of ICMA and has not yet been rescheduled. Depending in part upon if and when the second hearing in this matter takes place, the Board may cause First Notice publication of a Notice of Proposed Amendments in 1997.

E) Affect on small business, small municipalities or not-for-profit corporations: The amendments may affect any small business, small municipality or not-for-profit corporation that owns or operates certain nonferrous foundries or certain steel and foundry industry waste landfills.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-27, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-27, as follows:

POLLUTION CONTROL BOARD

JULY 1997 REGULATORY AGENDA

Richard R. McGill, Jr., Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6983
Internet: rmcgill@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: Other, as yet unknown, rulemaking proceedings could potentially impact Part 817.

mm) Parts (Headings and Code Citations): CStandards for Compost Facilities (35 Ill. Adm. Code 830)

1) Rulemaking: Docket Number R97-29

A) Description: On May 6, 1997, two citizens (proponents) filed a proposal with the Illinois Pollution Control Board (Board) to amend 35 Ill. Adm. Code 830.203(c) (proposal). Section 830.203(c) contains location standards for certain landscape waste composting areas. Generally, proponents request in their proposal that the Board amend Section 830.203(c) to prohibit composting areas from being located within one-half mile of the property line of a hospital, school, athletic field, or public park, and to require that existing composting areas located within that setback distance be relocated. Proponents allege that the amendments are necessary because of actual and potential health threats from exposure to certain composting operations.

B) Statutory Authority: Sections 21, 27, 28 and 39 of the Illinois Environmental Protection Act [415 ILCS 5/21, 27, 28 & 39].

C) Scheduled meeting/hearing dates: On June 19, 1997, the Board accepted the proposal for hearing. The Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Amendments in 1997.

E) Affect on small business, small municipalities or not-for-profit corporations: The amendments may affect any small business, small municipality or not-for-profit corporation that owns or operates certain composting areas or that wishes to locate certain composting areas.

F) Agency contact person for information: Address written comments

POLLUTION CONTROL BOARD

JULY 1997 REGULATORY AGENDA

concerning the substance of the rulemaking, noting docket number R97-29, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-29, as follows:

Richard R. McGill, Jr. Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6983
Internet: rmcgill@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: A prospective proposal for rulemaking anticipated later this year from the Illinois Environmental Protection Agency (see item (nn) below) and other, as yet unknown rulemaking proceedings could potentially impact Part 830.

nn) Part (Heading and Code Citation): CStandards for Compost Facilities (35 Ill. Adm. Code 830)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board that would amend the compost facilities regulations, located at 35 Ill. Adm. Code 830. The existing regulations establish performance standards for landscape waste compost facilities and performance and testing standards for end-product compost produced by such facilities. The prospective amendments would provide performance standards governing facilities composting organic and mixed municipal waste.

B) Statutory Authority: Sections 22.34, 22.35, and 27 of the Environmental Protection Act [415 ILCS 5/22.34, 22.35 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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D) Date: Agency anticipates First Notice: An Agency submittal to the Board by December, 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that own or operate organic and mixed municipal waste composting facilities may be affected by these amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: A citizens' proposal for amendments, docketed as R97-27 (see item (mm) above) and other, as yet unknown, rulemaking proceedings could potentially impact Part 830. For information regarding the Agency's development of this proposal, please contact:

Judith S. Dyer
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62974-9276
217-782-5544

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 12, 1997

NOTICES: Due to ORegister submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCRC REVIEW

The following rulemakings are scheduled for review at this meeting. JCRC staff may be proposing action with respect to some of these rulemakings. JCRC members may have questions concerning, and may initiate action with respect to, any item scheduled for JCRC review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCentral Management Services

1. Internal Service Funds (74 Ill Adm Code 1000)
-First Notice Published: 21 Ill Reg 5687 - 5/9/97
-Expiration of Second Notice Period: 8/14/97

Children and Family Services

2. Placement and Visitation Services (89 Ill Adm Code 301)
-First Notice Published: 21 Ill Reg 5006 - 4/25/97
-Expiration of Second Notice Period: 8/15/97

Community College Board

3. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 21 Ill Reg 5968 - 5/16/97
-Expiration of Second Notice Period: 8/28/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Environmental Protection Agency

4. Illinois Recommended Standards for Sewage Works (35 Ill Adm Code 370)
-First Notice Published: 20 Ill Reg 12832 - 10/4/96
-Expiration of Second Notice Period: 9/5/97

5. Design Criteria of Pressure Sewer Systems (35 Ill Adm Code 374)
-First Notice Published: 21 Ill Reg 2543 - 2/21/97
-Expiration of Second Notice Period: 8/27/97

Health Facilities Planning Board

6. Health Facilities Planning Financial and Economic Feasibility Review (77 Ill Adm Code 1120)
-First Notice Published: 21 Ill Reg 3544 - 3/21/97
-Expiration of Second Notice Period: 8/14/97

7. Practice and Procedure in Administrative Hearings (77 Ill Adm Code 1180)
-First Notice Published: 21 Ill Reg 3565 - 3/21/97
-Expiration of Second Notice Period: 8/14/97

Housing Development Authority

8. Repeal of National Affordable Housing Act (HOME) Program (47 Ill Adm Code 370)
-First Notice Published: 21 Ill Reg 5013 - 4/25/97
-Expiration of Second Notice Period: 9/6/97

Natural Resources

9. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)
-First Notice Published: 21 Ill Reg 5392 - 5/2/97
-Expiration of Second Notice Period: 8/23/97

Nuclear Safety

10. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 175)
-First Notice Published: 21 Ill Reg 6166 - 5/23/97
-Expiration of Second Notice Period: 8/30/97

Professional Regulation

11. Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)
-First Notice Published: 20 Ill Reg 12692 - 9/27/96
-Expiration of Second Notice Period: 9/7/97

Property Tax Appeal Board

12. Procedures (86 Ill Adm Code 1910)
-First Notice Published: 21 Ill Reg 5692 - 5/9/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Expiration of Second Notice Period: 9/19/97

Public Aid

13. Rights and Responsibilities (89 Ill Adm Code 102)
 -First Notice Published: 21 Ill Reg 3829 - 3/28/97
 -Expiration of Second Notice Period: 9/3/97

14. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)
 -First Notice Published: 21 Ill Reg 6054 - 5/16/97
 -Expiration of Second Notice Period: 9/4/97

15. Child Support Enforcement (89 Ill Adm Code 160)
 -First Notice Published: 20 Ill Reg 12567 - 9/20/96
 -Expiration of Second Notice Period: 9/5/97

Public Health

16. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
 -First Notice Published: 21 Ill Reg 1808 - 2/14/97
 -Expiration of Second Notice Period: 8/22/97

17. Intermediate Care For The Developmentally Disabled Facilities Code (77 Ill Adm Code 350)
 -First Notice Published: 21 Ill Reg 1798 - 2/14/97
 -Expiration of Second Notice Period: 8/22/97

Racing Board

18. Programs (11 Ill Adm Code 415)
 -First Notice Published: 21 Ill Reg 5454 - 5/2/97
 -Expiration of Second Notice Period: 8/16/97

Secretary of State

19. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
 -First Notice Published: 21 Ill Reg 5091 - 4/25/97
 -Expiration of Second Notice Period: 8/15/97

20. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
 -First Notice Published: 21 Ill Reg 5457 - 5/2/97
 -Expiration of Second Notice Period: 8/15/97

State Police Merit Board

21. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-First Notice Published: 21 Ill Reg 6825 - 6/6/97
 -Expiration of Second Notice Period: 9/5/97

State Universities Retirement System

22. Universities Retirement (80 Ill Adm Code 1600)
 -First Notice Published: 21 Ill Reg 6059 - 5/16/97
 -Expiration of Second Notice Period: 8/22/97

EMERGENCY AND PEREMPTORY RULEMAKINGSCapital Development Board

23. Illinois Accessibility Code (71 Ill Adm Code 400) (Emergency)
 -Notice Published: 21 Ill Reg 9781 - 7/25/97

Central Management Services

24. Pay Plan (80 Ill Adm Code 310) (Emergency)
 -Notice Published: 21 Ill Reg 10061 - 8/1/97

Children and Family Services

25. Repeal of Access to and Eligibility for Day Care Services (89 Ill Adm Code 303) (Emergency)
 -Notice Published: 21 Ill Reg 9133 - 7/11/97

26. Financial Responsibility of Parents or Guardians of the Estates of Children (89 Ill Adm Code 352) (Emergency)
 -Notice Published: 21 Ill Reg 9139 - 7/11/97

27. Licensing Standards for Child Welfare Agencies (89 Ill Adm Code 401) (Emergency)
 -Notice Published: 21 Ill Reg 9151 - 7/11/97

Environmental Protection Agency

28. Procedures And Requirements For Determining Loan Priorities Of Projects In The Public Water Supply Loan Program (35 Ill Adm Code 663) (Emergency)
 -Notice Published: 21 Ill Reg 10081 - 8/1/97

29. Procedures For Issuing Loans From The Public Water Supply Loan Program (35 Ill Adm Code 662) (Emergency)
 -Notice Published: 21 Ill Reg 10091 - 8/1/97

Human Services

30. Child Care (89 Ill Adm Code 50) (Emergency)
 -Notice Published: 21 Ill Reg 9502 - 7/18/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

31. General Administrative Provisions (89 Ill Adm Code 10) (Emergency)
-Notice Published: 21 Ill Reg 9515 - 7/18/97
Professional Regulation
32. Clinical Psychologist Licensing Act (68 Ill Adm Code 1400) (Emergency)
-Notice Published: 21 Ill Reg 9217 - 7/11/97
Public Aid
33. Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)
-Notice Published: 21 Ill Reg 9306 - 7/11/97
34. Assistance Standards (89 Ill Adm Code 111) (Emergency)
-Notice Published: 21 Ill Reg 8575 - 7/7/97
35. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 21 Ill Reg 8426 - 7/7/97
36. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 21 Ill Reg 9552 - 7/18/97
37. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 21 Ill Reg 9822 - 7/25/97
38. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 21 Ill Reg 10147 - 8/1/97
39. Hospital Reimbursement Changes (89 Ill Adm Code 152) (Emergency)
-Notice Published: 21 Ill Reg 9544 - 7/18/97
40. Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)
-Notice Published: 21 Ill Reg 9568 - 7/18/97
41. Child Support Enforcement (89 Ill Adm Code 160) (Emergency)
-Notice Published: 21 Ill Reg 8594 - 7/7/97
42. Child Support Enforcement (89 Ill Adm Code 160) (Emergency)
-Notice Published: 21 Ill Reg 9220 - 7/11/97
43. Collections and Recoveries (89 Ill Adm Code 165) (Emergency)
-Notice Published: 21 Ill Reg 8607 - 7/7/97
44. Crisis Assistance (89 Ill Adm Code 116) (Emergency)
-Notice Published: 21 Ill Reg 8612 - 7/7/97
45. Demonstration Programs (89 Ill Adm Code 170) (Emergency)
-Notice Published: 21 Ill Reg 8620 - 7/7/97
46. General Administrative Provisions (89 Ill Adm Code 101) (Emergency)

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- Notice Published: 21 Ill Reg 8638 - 7/7/97
47. General Assistance (89 Ill Adm Code 114) (Emergency)
-Notice Published: 21 Ill Reg 8652 - 7/7/97
48. Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)
-Notice Published: 21 Ill Reg 8671 - 7/7/97
49. Related Program Provisions (89 Ill Adm Code 117) (Emergency)
-Notice Published: 21 Ill Reg 8677 - 7/7/97
Public Health
50. Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820) (Emergency)
-Notice Published: 21 Ill Reg 7536 - 6/13/97
Secretary of State
51. Regulations Under the Illinois Securities Law of 1953 (14 Ill Adm Code 130) (Emergency)
-Notice Published: 21 Ill Reg 9828 - 7/25/97
- AGENCY RESPONSES**
- Commerce and Community Affairs
52. Industrial Training Program (56 Ill Adm Code 2650)
Professional Regulation
53. Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 22, 1997 through July 28, 1997 and have been scheduled for review by the Committee at its August 12, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/4/97	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)	5/16/97 21 Ill Reg 6054	8/12/97
9/5/97	Environmental Protection Agency, Illinois Recommended Standards for Sewage Works (35 Ill Adm Code 370)	10/4/96 20 Ill Reg 12832	8/12/97
9/5/97	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	9/20/96 20 Ill Reg 12567	8/12/97
9/5/97	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)	6/6/97 21 Ill Reg 6825	8/12/97
9/6/97	Illinois Housing Development Authority, Repeal of National Affordable Housing Act (HOME) Program (47 Ill Adm Code 370)	4/25/97 21 Ill Reg 5013	8/12/97
9/7/97	Department of Professional Regulation, Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)	9/27/96 20 Ill Reg 12692	8/12/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15), Issue 42 (October 17), and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@cgate.sos.state.il.us (Internet address).

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